

**APPLICATION
NUMBER**

Preface Item
12/0057/FULL

LOCATION

102 Fair View, Cefn Fforest, Blackwood

11/0901/CON

Church Hall, Church Street, Llanbradach, Caerphilly

11/0904/FULL

All Saints Rooms, Church Hall, Church Street, Llanbradach,
Caerphilly

12/0079/FULL

Ty'n Derwen, White Hart, Machen, Caerphilly

12/0098/COU

28 Bridge Street, Blackwood

12/0149/FULL

10 Twm Barlwm Close, Trenewydd Park, Risca

12/0209/COU

Land adjoining Arrow Ford, Commercial Street, Pontllanfraith,
Blackwood

12/0249/RET

Cross Keys Hotel, High Street, Crosskeys, Newport

12/0269/NCC

Land at Gellideg Industrial Estate, Gellideg Lane,
Maesycwmmmer

12/0288/FULL

17 Pen-Rhiw Terrace, Abercarn, Newport

12/0289/FULL

72 Elim Way, Pontllanfraith, Blackwood

12/0354/FULL

18 Burnet Drive, Pontllanfraith, Blackwood

12/0381/RET

Park Service Station, Bedwellty Road, Cefn Fforest

PREFACE ITEM

APPLICATION NO. 12/0057/FULL

APPLICANT(S) NAME: Mr J Dhesi

PROPOSAL: Reposition existing shop with small store and convert existing shop into a lounge

LOCATION: 102 Fair View Cefn Fforest Blackwood NP12 3NL

The Planning Committee deferred this application on the 12th April 2012, for a site visit to consider the effect on highway safety. Members and Officers met on site on 29th May 2012. A copy of the site visit report (attached) was considered at the Planning Committee held on the 7th June 2012.

At the site meeting and at the subsequent Planning Committee, Members raised concerns regarding the removal of a boundary wall on the Elgar Close boundary of the site and the provision of an extended dropped kerb in the adjacent lay-by to increase off-street parking provision for the application premises. The application was deferred at the Committee on 7th June 2012 in order to allow officers more time to consider this matter.

Officers have now considered the matter and Members are advised that whilst a condition can be attached to the consent removing permitted development rights for the applicant to remove the boundary wall facing Elgar Close there is no legislation that can prevent the applicant from parking his vehicles in the lay-by itself. However it is suggested that the following conditions would adequately address the concerns of Members in terms of providing adequate off-street parking for the development and preventing the loss of any parking spaces within the lay-by:

- Prior to any works commencing on site a revised scheme for the provision of 3 off-street parking spaces within the curtilage of the building shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall thereafter be provided in accordance with the approved scheme prior to the development hereby approved coming into beneficial use and shall be retained thereafter for the parking of vehicles only.
- Notwithstanding the submitted plans or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended the site boundary wall fronting Elgar Close shall not be removed without the prior written consent of the Local Planning Authority.

RECOMMENDATION: That planning permission is GRANTED subject to the additional conditions and those set out in the attached report.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0901/CON 05.12.2011	The Representative Body Of The Church In Wales & The Llandaff Diocesan Board Of Finance 39 Cathedral Road Cardiff CF11 9XF	Demolish two outbuildings to form car park as part of the conversion of All Saints Hall into six one bedroom apartments, six bedsits and external works Church Hall Church Street Llanbradach Caerphilly CF83 3LR

APPLICATION TYPE: Conservation Area Consent

SITE AND DEVELOPMENT

Location: The site is located centrally within the village of Llanbradach, approximately one mile to the north of Caerphilly. It is part of a larger site that was formerly the site of a large church which was demolished in the 1990s. The site also lies within the Llanbradach Conservation Area.

Site description: The site is irregular in shape and has a road frontage on two sides (i.e. to the north-west and south). To the east it abuts the cleared area upon which had previously stood All Saints Church, and to the north it borders existing residential development. At present the site is occupied by a substantial church hall and two outbuildings.

Development: The detailed proposal is for the change of use of the church hall to provide for twelve residential units (i.e. six one-bed apartments and six bedsits). Whilst the originally submitted scheme indicated the demolition of a gable fronted projection from the main rectangular shape of the building, the revised scheme indicates its retention. The proposals include some minor alterations to the exterior, e.g. the addition of 'conservation' style rooflights. The demolition of the two outbuildings on the northern boundary will provide an area for part of the proposed on-site car-parking. In addition, areas of car parking would be provided alongside the west and southern boundaries. Amenity space to serve the units is allowed for to the east of the building and in the south-western corner of the site.

Where development involves demolition of a building or a substantial part of a building in a conservation area permission is required. Whereas this application originally included the demolition of the north-west facing gable, the proposal has been amended, and this assessment addresses only the demolition of the two freestanding buildings adjacent to the north-eastern boundary. This application should be read in conjunction with that for the change of use of the building to residential purposes (i.e. application ref. no. 11/0904/COU).

Dimensions: The site area in total measures 0.09 hectare approximately. It is approximately 43 metres in length and 20 metres wide. The adjacent vacant land (edged in blue) measures 34 x 46m, and has an area of approximately 0.16ha.

The building has a footprint of approximately 10 x 25m, with the gable projections adding an additional 4 metres to the width at the north-eastern end of the building.

The buildings to be demolished measure:-

- 1) a garage - 2.8 (width) x 5.9 (length) x 2.2m (height)
- 2) a store – 3.7m (width) x 5.2m (length) x 2.2m (height).

Materials: There would be no changes to the external finishes, i.e. natural stone walls and slate roof.

Ancillary development, e.g. parking: Fourteen on-site car parking spaces would be provided.

PLANNING HISTORY

08/1211/CON - Demolish existing gable to Church Street to create new entrance and demolish two out-buildings for proposed car park - Appeal dismissed 15.10.09.

08/1222/FULL - Convert existing All Saints Church Hall into four bed apartments and six bedsits - Appeal dismissed 15.10.09.

11/0904/FULL - Conversion of All Saints Hall into six one bedroom apartments, six bedsits and external works and demolish existing gable to Church Street to create new entrance and demolish two outbuildings to form car park - Not Yet Determined.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is within the settlement boundary, and is unallocated. The site is within the designated Llanbradach Conservation Area. The neighbouring site of the former All Saints Church is allocated for a community use/health centre.

Policies:

Strategy policies

SP3 - Development strategy in the Southern Connections Corridor

SP4 - Settlement strategy

SP5 - Settlement boundaries

Countywide policies

CW2 - Amenity

NATIONAL POLICY: Planning Policy Wales (February 2011), and TAN12 (Design).

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? A coal mining risk assessment is not necessary.

CONSULTATION

Head Of Public Protection - No adverse comments.

Conservation & Design Officer - No objection in principle subject to conditions requiring additional information in respect of proposed external finishes.

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Extent of advertisement: The application has been advertised by way of site and press notices, with 21 neighbouring properties being consulted directly.

Response: In response to the neighbour notification exercise, 11 letters or emails have been received.

Summary of observations: All of the responses received from members of the public raise issues that are of relevance to the twin application for the change of use of the building to residential. One or two include comments in respect of the appearance, and are as follows:-

- Demolition of the gable would alter the fabric of the conservation area;
- The church hall is a Grade 2 listed building and deserves more sympathetic development, in keeping with the requirements of the community; and,
- Concerns about Structural changes to the building.

ANALYSIS

Policies: The Church Hall is not Listed nor is the Llanbradach Conservation Area the subject of an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995, (which would restrict permitted development rights). As such the scale of the demolition works proposed to the building and its curtilage, can be looked at in the context of the wording of Planning Policy Wales.

In this regard the outbuildings are small, in a poor state of repair and do not have any worthwhile architectural or historic merit.

The relatively minor external alterations to the church hall would not adversely impact on the appearance or character of the conservation area. Indeed the vast majority of the building is to be retained. Overall, the proposal seeks to re-use a building which has fallen into a state of decline, for residential purposes and form a functioning element in this part of the village.

There are no specific policies in the Local Development Plan that address the issues of demolition or works that affect buildings in a Conservation Area.

Planning Policy Wales, in the section relating to Conservation Areas, considers that partial demolition of an unlisted building within a conservation area does not require conservation area consent. In this instance the application includes the two outbuildings and consent is necessary. However it is worth noting that the demolition of the gable, on its own, would not have required any consent, in respect to this guidance.

Comments from Consultees: The comments from the Listed Buildings and Conservation Area Officer include a range of advice to be forwarded to the applicant and the need for conditions to be attached requiring the submission of finishes and samples of the materials to be used in the refurbishment of the church hall building.

Comments from public: The comments in respect of the appearance do not specifically address the demolition of the outbuildings, and since that is the only element that now requires consent (the proposal to demolish the side gable may not have needed consent, since it would not be a substantial part of the building, but this aspect has been withdrawn from the scheme).

In this regard the outbuildings are small, in a poor state of repair and do not have any worthwhile architectural or historic merit.

It is considered that the comments from the public on this application cannot sustain a valid objection.

Other material considerations: None.

In conclusion it is considered that conservation area consent be granted in respect the demolition of the structures identified in this application.

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 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02) The development shall not be occupied until the garage and store has been demolished and all materials arising from the demolition have been removed from the site.
REASON: For the avoidance of doubt as to the extent of the development hereby approved and the visual amenity of the area.
- 03) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner.

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: SP3, SP4, SP5 and CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0904/FULL 15.12.2011	The Representative Body Of The Church In Wales & The Llandaff Diocesan Board Of Finance 39 Cathedral Road Cardiff CF11 9XF	Convert All Saints Hall into six one bedroom apartments, six bedsits and external works and demolish existing gable to Church Street to create new entrance and demolish two outbuildings to form car park All Saints Rooms Church Hall Church Street Llanbradach Caerphilly CF83 3LR

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located centrally within the village of Llanbradach, approximately one mile to the north of Caerphilly. It is part of a larger site that was formerly the site of a large church which was demolished in the 1990s. The site also lies within the Llanbradach Conservation Area.

Site description: The site is irregular in shape and has a road frontage on two sides (i.e. to the north-west and south). To the east it abuts the cleared area upon which had previously stood All Saints Church, and to the north it borders existing residential development. At present the site is occupied by a substantial church hall and two outbuildings.

Development: The detailed proposal is for the change of use of the church hall to provide for twelve residential units (i.e. six one-bed apartments and six bedsits). Whilst the originally submitted scheme indicated the demolition of a gable fronted projection from the main rectangular shape of the building, the revised scheme indicates its retention. The proposals include some minor alterations to the exterior, e.g. the addition of 'conservation' style rooflights.

The demolition of the two outbuildings on the northern boundary will provide an area for part of the proposed on-site car-parking. In addition, areas of car parking would be provided alongside the west and southern boundaries. Amenity space to serve the units is allowed for to the east of the building and in the south-western corner of the site.

Dimensions: The site area in total measures 0.09 hectares approximately. It is approximately 43 metres in length and 20 metres wide. The adjacent vacant land (edged in blue) measures 34 x 46m, and has an area of approximately 0.16ha.

The building has a footprint of approximately 10 x 25m, with the gable projections adding an additional 4 metres to the width at the north-eastern end of the building.

Materials: There would be no changes to the external finishes, i.e. natural stone walls and slate roof.

Ancillary development, e.g. parking: Fourteen on-site car parking spaces would be provided.

PLANNING HISTORY

08/1211/CON - Demolish existing gable to Church Street to create new entrance and demolish two out-buildings for proposed car park - Appeal dismissed 15.10.09.

08/1222/FULL - Convert existing All Saints Church Hall into four bed apartments and six bedsits - Appeal dismissed 15.10.09.

11/0901/CON - Demolish existing gable to Church Street to create new entrance and demolish two outbuildings to form car park as part of the Conversion of All Saints Hall into six one bedroom apartments, six bedsits and external works - Not Yet Determined.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is within the settlement boundary, and is unallocated. The neighbouring site of the former All Saints Church is allocated for a community use/health centre.

Policies:

Strategy policies

- SP3 - Development strategy in the Southern Connections Corridor
- SP4 - Settlement strategy
- SP5 - Settlement boundaries
- SP6 - Place making
- SP7 - Planning obligations
- SP10 - Conservation of natural heritage
- SP14 - Total housing requirements
- SP15 - Affordable housing targets
- SP20 - Road hierarchy
- SP21 - Parking standards

Countywide policies

- CW1 - Sustainable transport, accessibility and social inclusion
- CW2 - Amenity
- CW3 - Design considerations: highways
- CW10 - Leisure and open space provision
- CW11 - Affordable housing
- CW15 - General locational constraints

Area Specific Policies

- TR6 – Transport Improvement Schemes – Caerphilly Basin

NATIONAL POLICY: Planning Policy Wales (February 2011), TAN2 (Planning and affordable housing), TAN5 (Nature conservation and planning), TAN12 (Design), and TAN 22 (Sustainable buildings).

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? No.

CONSULTATION

Transportation Engineering Manager - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Countryside And Landscape Services - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Western Power Distribution - No objection, but makes comments of which the applicant should be advised.

Conservation & Design Officer - There is no objection, in principle, to the proposed conversion, subject to conditions, but makes comments about appearance, materials and finishes, of which the applicant should be advised.

Senior Engineer (Land Drainage) - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Head Of Public Protection - No objection.

CCBC Housing Enabling Officer - In relation to this area and this development, 40% affordable housing is required.

Head Of Public Services - The Authority does provide a kerbside collection service for recycling and refuse with the onus on the developer to provide suitable off road storage for one refuse and one recycling wheeled bin plus a food caddy per property. The collection vehicles will not travel over unadopted highway so there may be a need to confirm a collection point.

Dwr Cymru - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Police Architectural Liaison Officer - No objection is raised, but it is noted that the proposal is not a 'Secured By Design' application, and comments are made of which the applicant should be advised.

Wales & West Utilities - No objection is raised, but provides details of their apparatus that crosses the site.

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Extent of advertisement: The application has been advertised by way of site and press notices, with 21 neighbouring properties being consulted directly.

Response: In response to this neighbour notification exercise 10 letters or emails have been received that raise objection to the application.

Summary of observations: The basis of the relevant objections made therefore is as follows:-

- Lack of off-street parking;
- Increased traffic;
- The application should be refused in favour of allowing a Health Centre on the site;
- Overload the existing drainage/sewerage system;
- Insufficient on-street car parking for the community, and this proposal would exacerbate the situation due to the introduction of pavement crossovers around the site, as well as increasing congestion to the detriment of highway safety;
- Concerns expressed about the methods and procedures of both the demolition and construction processes during development;
- Noise from the flats;
- Demolition of the gable would alter the fabric of the conservation area;
- Pedestrian safety compromised because of the number of new pavement crossovers formed;
- Structural changes to the building; and,
- The proposed security lighting and CCTV would invade the privacy of nearby homes.

A neighbour also commented on the Applicant's submitted photographs of the existing on-street parking: 'Much of the parking suggested by the applicant as 'existing on-street parking', to justify the under-provision of car parking within the site, would be unavailable if the scheme were to be approved, as new accesses to the site are proposed in those areas. Photographs may not have been taken at the time of day when the most car parking places are taken.'

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The bat survey was undertaken by a competent ecologist and at an appropriate time of year, and the Council's Ecologist is satisfied with the methodology and the findings of the survey report.

The bat survey found evidence of 2 bat species using the existing building, namely common pipistrelle bats and soprano pipistrelle bats. The existing building has the potential for incidental use by common pipistrelle and soprano pipistrelle bats and a precautionary approach to restoration and refurbishment works is therefore recommended. Therefore there is no requirement for mitigation or a derogation licence. However, the report does recommend that works affecting the roof and eave structures should avoid being undertaken during the summer period and must be outside of the bird nesting season, and that a licensed bat ecologist oversees preliminary works affecting potential roost access features in case bats are found.

ANALYSIS

Policies: This application seeks to re-use this currently vacant former church hall, by virtue of its conversion to 6 one-bed apartments and 6 bedsits in a refurbished interior.

The whole of the development site is within the Llanbradach Conservation Area designated on 17th November 1992. The area surrounding the church hall, i.e. its terraced houses and Vicarage, walls and tree-lined streets, has a distinctive cohesive character in its own right and the church hall has a similar architectural style that complements its surroundings and in fact dominates the area. The hall is fronted by a large, flat area of open space that once sited the village's 'All Saints' Parish Church that was built in 1897 (and extended in 1909) and subsequently demolished around 1993/94 since its tower, in particular, had become a dangerous structure.

The only other surviving landmark now remaining in the village other than the church hall, is sited on the opposite side of the High Street/Park View: a tall, Portland stone sculptured war memorial, which is a grade II listed building (as of 23rd July 1999); considered by Cadw to be of special architectural and historic interest and which overlooks the site. Therefore the works proposed to the church hall could potentially have an impact upon the setting of this important local landmark and listed building.

The church hall itself is a large building and because of its age, scale and unusual appearance is a landmark building in Llanbradach. The physical appearance of the building would not be substantially altered.

The application site is not specifically allocated, but falls inside the settlement boundaries, therefore it is a site that may be considered for re-development. The requirements of Policy CW2 are: that there should be no unacceptable impact upon the amenity of neighbouring properties; that it is compatible with neighbouring land uses; that it doesn't compromise the viability of neighbouring land uses; and, that it doesn't constitute over development.

The properties in the immediate vicinity of the church hall are of residential nature, and the conversion to residential would therefore be compliant with Policy CW2. The former church hall is a tall two-storey building, but, with the proposed utilisation of the loft space, it would be converted to three floors. The building, and its site, has two frontages onto the highway. The north-western boundary along Church Street is 42 metres in length, and the southern boundary along Pencerrig Street is 21m in length.

The development would by introducing a new use into this building enhance the character and appearance of the conservation area.

Comments from Consultees: There are no objections from consultees and their comments can be accommodated by conditions.

Comments from public: The responses to the comments of the general public on this application are as follows:-

Lack of off-street parking for the proposal, increased traffic, and insufficient on-street car parking for the community, and this proposal would exacerbate the situation due to the introduction of pavement crossovers around the site, as well as increasing congestion to the detriment of highway safety: These objections are not supported by the comments of the Transportation Engineering Manager.

The application should be refused in favour of allowing a Health Centre on the site: The building is in private ownership and as such the applicants can apply for the use of their choosing. Therefore the issue of it being used for community purposes does not arise.

Overload the existing drainage/sewerage system: There has been no objection to the proposals from either Dwr Cymru/Welsh Water or the Senior Engineer (Land Drainage).

Concerns expressed about the methods and procedures of both the demolition and construction processes during development: These are matters that may be controlled by planning conditions and other legislative procedures.

Noise from the flats: The approval of such a conversion should not automatically give rise to anti-social behaviour. This form of housing is required in the district and will fulfil a need. As such it should not be resisted on its physical arrangement alone. If any such behaviour does occur it is a matter for the police to resolve, as would be the case in any other circumstance.

Demolition of the gable would alter the fabric of the conservation area: This aspect of the proposal has been removed from the scheme, and there are now no plans to demolish the side gables.

Pedestrian safety compromised because of the number of new pavement crossovers formed: This objection is not supported by the comments of the Transportation Engineering Manager.

Structural changes to the building: With the decision to leave the side gables in place, there would be very little alteration to the external appearance, and the internal alterations would not compromise the structural integrity of the building, but would allow an economically viable conversion to take place.

The proposed security lighting and CCTV would invade the privacy of nearby homes: There is no substantive evidence to support this objection, and lighting and CCTV can be configured to ensure that no adverse effects upon residential amenity occur.

It is not considered that these comments by the local residents raise issues which could justify a refusal of consent for this proposal.

Other material considerations: (1) The Housing Development Officer seeks the provision of 40% affordable housing on sites within the Caerphilly Basin area. In respect of this proposal this equates to 5 units.

(2) The Transportation Engineering Manager requires the standard planning obligation of £5,500 per dwelling in the Caerphilly Basin area.

The applicant has agreed to sign a Section 106 Agreement in respect of these three matters.

A planning obligation must meet all of the following tests.

In respect of each:-

(a) It is necessary to make the development acceptable in planning terms:

(1) Communities should be mixed, balanced and sustainable, and a choice of housing that is affordable to the local population is vital in achieving this. The cost of buying and renting a house at market value is greater than many on low incomes can afford, and consequently

intervention is needed to provide housing through other mechanisms. The planning system, through the use of planning obligations and conditions, is one such method of securing 'affordable housing'. The requirement to meet the need for affordable housing is a material planning consideration and will be taken into account in the determination of planning applications.

(2) A Section 106 Agreement will be sought because this development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods. Following public consultation, which included house builders, the Council has adopted Supplementary Planning Guidance LDP3, Caerphilly Basin Strategic Highway Network Obligation, which requires a financial contribution, currently £5,500.00, for each new dwelling constructed within the defined Caerphilly Basin area as a reasonable means of addressing this capacity problem. The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to the strategic highway network.

(b) It is directly related to the development

(1) This development is for 12 dwellings. The provision of 5 units of affordable housing at this location will ensure the correct balance between affordable housing and market housing in the area is properly maintained.

(2) This development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.

(c) It is fairly and reasonably related in scale and kind to the development.

(1) In accordance with Policy CW11, the Council will normally seek the following proportions of affordable housing on sites that accommodate 5 or more units or that exceed 0.15 Ha in gross site area:

- 40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley);
- 25% in the Northern Connections Corridor (excluding Newbridge); and
- 10% in the Rest of Caerphilly County Borough (including Aber Valley and Newbridge but excluding the Heads of the Valleys Regeneration Area)

These area-specific targets and thresholds have been derived from evidence from the Affordable Housing Viability Assessment (AHVA) prepared as part of the evidence base for the LDP. The AHVA was completed in line with an agreed regional methodology prepared by Three Dragons on behalf of the South East Wales Strategic Planning Group (SEWSPG).

(2) The unit sum - at present £5500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Section 106 Obligation requiring (1) the provision of 5 units for affordable housing in the Caerphilly area; (2) the payment of £5,500.00 (index linked) for each dwelling for highway improvements in the Caerphilly Basin area.

(B) Upon completion of the legal agreement permission be GRANTED in accordance with the following conditions:

- 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 required access to Church Street, together with vision splays of 2.4m x 25m, shall be laid out in accordance with the approved drawings and constructed in materials to be agreed in writing with the Local Planning Authority prior to the beneficial occupation of the development.
REASON: In the interests of highway safety.
- 03) The required access to Pencerrig Street, together with vision splays of 2m x site frontage, shall be laid out in accordance with the approved drawings and constructed in materials to be agreed in writing with the Local Planning Authority prior to beneficial occupation of the development.
REASON: In the interests of highway safety.
- 04) No obstruction of planting when mature exceeding 0.6 metres in height above the adjacent footway shall be placed or allowed to grow in the required pedestrian vision splay areas of (2.4m x 3.3m when measured at the centre of the proposed access at the back edge of the footway).
REASON: In the interests of highway safety.
- 05) Prior to installation, details of the automatic gate at the access from Church Street hereby approved shall be submitted to and be agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 06) The site boundaries fronting Church Street and Pencerrig Street shall be set back and the existing footways widened to provide a width of 2m constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to any occupation of the development.
REASON: In the interests of highway safety.
- 07) The proposed parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.
REASON: In the interests of highway safety.
- 08) The development shall not be occupied 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.

Application No. 11/0904/FULL Continued.

- 09) 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 into the converted/renovated building shall be submitted to the local authority for approval. The approved details shall be implemented before the new dwellings hereby

approved are first occupied. REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with paragraph 5.2.8 of Planning Policy Wales (2010), paragraph 1.4.3 of TAN 5 (2009) and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 10) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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 they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 11) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Visitor Spaces Site Layout plan received 18 April 2012; Brief Synopsis, amended plans and elevations received 17 February 2012, and location plan received 5 December 2011 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 12) The dwellings hereby approved shall not be occupied until the outbuilding has been demolished and all materials arising from the demolition have been removed from the site.
REASON: For the avoidance of doubt as to the extent of the development hereby approved and the visual amenity of the area.
- 13) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner.
- 14) Prior to the commencement of development details of the materials to be used in the external finishes, including details of new and replacement doors, windows, and rainwater goods to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.

Advisory Note(s)

Please find attached the comments of Countryside and Landscape Services Manager, Dwr Cymru/Welsh Water, Gwent Police, Wales and West Utilities, Western Power Distribution, Senior Engineer (Land Drainage) and Public Services that are brought to the applicant's attention.

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: CW1, CW2, CW3, CW10, CW11, CW15 and TR6.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0079/FULL 15.02.2012	Mr C Hobday Ty'n Derwen White Hart Machen Caerphilly CF83 8QQ	Erect a two bedroom bungalow Ty'n Derwen White Hart Machen Caerphilly CF83 8QQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is the side garden of Ty'n Derwen, a detached dwelling to the west of the junction of the A468 (Caerphilly to Newport road) and White Hart, Machen.

Site description: The site is the overgrown side garden of Ty'n Derwen. It has a steep gradient from the northern boundary (adjacent to New Station House and Ty Dreenon) down to the southern boundary with the A468. The area has a semi-rural character with a mix of detached bungalows, houses and cottages in a low density setting. The host dwelling, Ty'n Derwen, is a large bungalow with some first floor dormer accommodation

Development: The description of the development is 'the erection of a two/three bedroom bungalow'. The submitted plans indicate a split level dwelling, with most of the living area on the upper floor, and the main entrance hallway, garage, car port and store at the lower level. The appearance is similar to the style often associated with modular box type modernistic 'eco' dwellings. It would have a sedum covered 'green' flat roof with rendered walls, and large windows or doors to the south and west facing elevations. The existing access, the driveway and turning area would be shared with Ty'n Derwen.

Dimensions: The site is 39 metres wide and approximately 18 metres deep from front boundary with the A468 to rear. The dwelling would be 22.4 metres in length (west to east) and a maximum 7.4 metres deep from front to rear. Ground levels (both existing and proposed) vary greatly across the site, thus it is difficult to indicate accurately the resultant height of the proposal. At the eastern end (the two storey element), the height of the dwelling would be 6.1 metres, and would be cut into the gradient such that ground level would be 0.8 metres lower than existing. But, at the western end (single storey, upper level) the height would be 3.1 metres, with the proposed ground level being the same as existing at the rear, but raised by 1.3 metres at the front of the building.

Materials: Sedum roof, render and timber clad walls. Doors and windows would be timber/aluminium composite. The boundaries would be a mix of timber fencing and sandstone faced gabion retaining walls.

Ancillary development, e.g. parking: Adequate car parking spaces for each of the proposed and existing properties are indicated on the site plan, with a shared access serving both. The cut and fill process to provide the proposed dwelling with a reduction in height would have the consequent action of raising the garden level adjacent to the A468, with the result that a retaining wall with a maximum height of 2.6 metres would be erected at the back edge of the adjacent highway.

PLANNING HISTORY

P/98/0299 Create boundaries adjoining highway - Granted 22.05.98.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints).

NATIONAL POLICY: Planning Policy Wales (2011), Technical Advice Note 12: Design (2009).

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? The site is outside a mining legacy area, and as such a mining risk assessment is not necessary.

CONSULTATION

Bedwas, Trethomas & Machen Community Council - No objection.

Transportation Engineering Manager - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Head Of Public Protection - No objection subject to a condition concerning soil testing.

Senior Engineer (Land Drainage) - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Dwr Cymru - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Countryside And Landscape Services - No objection, subject to conditions, and makes comments of which the applicant should be advised.

ADVERTISEMENT

Extent of advertisement: A site notice was erected and 10 neighbours notified by letter.

Response: One neighbour has written two letters of objection, and two other neighbours have also sent letters objecting to the proposals. Three letters or emails have been received from local ward members, one of whom is strongly opposed to the proposal.

Summary of observations: The neighbours' comments in summary are as follows:-

- the plans are misleading, and misrepresent land ownership;
- the existing access lacks adequate visibility for the increased traffic;
- the plans do not show the full impact upon the neighbouring properties;
- the rear of the dwelling would have a long blank wall;
- it would have an overbearing effect upon the neighbours;
- a 3 bedroom dwelling should have adequate car parking;
- the site is prominent and at the western entrance to Machen, and the design of the dwelling is unsympathetic to the character of the surrounding area.

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 reasonable can to prevent crime and disorder in its area? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The South East Wales Biodiversity Records Centre (SEWBRc) planning data search has been checked and there are records of reptiles within the Machen area. The applicant has also provided anecdotal evidence of Slow worms which have been sighted within the garden to the front of the existing property. The development plot offers some potential for reptile habitat as it contains tussocky/ rank grassland and scrub, stone walls and log piles. However, the site is bordered by housing and a lane to the north and the main Newport road to the south and is therefore relatively isolated from neighbouring reptile habitat.

Whilst we normally ask for reptile surveys prior to determination the site is relatively isolated from other habitat and is only likely to support a relatively small reptile population. Therefore, a reptile survey is not required in this instance. However, as reptiles are protected from killing under the Wildlife and Countryside Act 1981 and are a material consideration in the determination of a planning application and that the site may support a small reptile population it is recommended that the an appropriate condition be therefore placed on any approval.

Also, the application outlines plans to demolish the existing garage to provide a means of access to the new dwelling. The South East Wales Biodiversity Records Centre (SEWBRc) planning data search has been checked and there are records of bats within the local area. In addition, the applicant has provided anecdotal evidence that bats have roosted in the gable end of the existing dwelling. However, the garage offers low bat roosting potential and is therefore unsuitable for bats and so a bat survey is not required in this instance. As the development would include demolition of the garage a bat and bird advisory note should be attached to any permission.

As the development involves removal of part of the existing hedge and young shrubs and trees along the southern boundary to allow for the creation of a new retaining wall it is also necessary to include the standard condition regarding the clearance of the site to ensure adequate protection for nesting birds.

Biodiversity Enhancements:

As the site is within a semi rural location and is adjacent to broad leaved woodland, grassland and in close proximity to the Rhymney River the site provides good links to bat and bird feeding habitat. The applicant is enthusiastic about providing roosting features for bats and birds within the new dwelling and is keen to plant native species within the proposed

landscaping. It would therefore be appropriate to attach a condition requiring bat roosting and bird nesting provision within the new buildings as a biodiversity enhancement.

ANALYSIS

Policies: This proposal for development would be located within the side garden of an existing residential property within the settlement boundary of Machen. The site is immediately adjacent to the A468 Caerphilly to Newport Road in the part known as White Hart, at the western extreme of the village of Machen. The proposed site is elevated above the adjacent highway and is in a prominent position. The impact of the proposal upon visual amenity, and the character of the surroundings, is therefore of significance.

It is recognised that this semi-rural area has undergone a number of changes in recent years, with the introduction of a number of new dwellings. It is also recognised that there is no coherent style of architecture, or local vernacular, to the housing stock at this location. Generally, however, the style or designs of dwellings conform to the conventional appearance of residential houses. The proposal seeks to break away from conventional design with the introduction of a dwelling with the appearance of a modular box type modernistic 'eco' dwelling.

The proposal must be assessed against both national and local development policy and design guidance, and the following provides the framework for the Council's assessment. Paragraph 9.3.1 of Planning Policy Wales states:

"New housing developments should be well integrated with and connected to the existing pattern of settlements. ..." and Para 9.3.2 states: "Sensitive infilling of small gaps within small groups of houses, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area." In addition, Para. 9.3.3 asserts: "Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."

Paragraph 4.10.9 of Planning Policy Wales states: "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

With regard to the Local Development Plan, Policy SP3 promotes sustainable development within settlement limits that: uses previously developed land within settlement limits; reduces car borne trips by promoting more sustainable modes of travel; makes the most efficient use of the existing infrastructure; has regard to the social and economic function of the area; and, protects the natural heritage from inappropriate forms of development. Policy CW3 states: Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements: there is no unacceptable impact on the amenity of adjacent properties or land; the proposal would not result in over-development of the site and / or its surroundings; the proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use; where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

In respect of the implications for highway safety, Policy CW3 states: Development proposals must satisfy the following highways requirements: (a) the proposal has regard for the safe,

effective, and efficient use of the transportation network; (b) the proposal ensures that new access roads within development proposals are designed to a standard that: (i) promotes the interests of pedestrians, cyclists and public transport before that of the private car, and (ii) safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve; (c) parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008; and, (d) where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity.”

The Transportation Engineering Manager is satisfied that the proposal meets the requirements of Policy CW3.

Policy CW15, in respect of general locational constraints, sets down criteria against which proposals are assessed: development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use; and, within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located.

Development guidance is provided at both national and local level, and Welsh Government guidance includes the following: Technical Advice Note 12, ‘Design’, advises in Paragraph 2.5: “Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation - embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.” And, in Para. 2.6: “Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

In addition, Para 2.7, states: ‘A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design. The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme should be presented in the design and access statement where one is required.’

Assessment of the proposal must take a balanced approach, and Paragraph 4.9 of TAN 12 states: “Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.”

The Council’s supplementary planning guidance, Development Design Guide, “Building Better Places to Live”, contains a set of guidelines which, if adhered to, should ensure that new development would not have an adverse impact upon the visual and residential amenity of neighbouring properties and be in keeping with the character of the surroundings.

The design ethos for this new dwelling rises out of the need to ensure that it would not have an unacceptable impact upon the residential or visual amenity of the neighbouring dwellings, and the surroundings. Pre-application discussions with the applicant drew attention to the

proximity of the dwellings, Ty Dreenon and New Station House, and the prominence of the site in relation to the A468. The applicant has chosen a flat roof because it has less impact upon the residential amenity of the above mentioned neighbouring dwellings, and it is emphasised by the applicant that a beneficial spin-off would be the ability to utilise a sedum laid roof for sustainable purposes. The applicant has indicated an intention to take down his existing boundary screen fence, along with the re-profiling of the land, which he suggests would lead to an improvement to the residential amenity enjoyed by the occupiers of Ty Dreenon (in particular). The proposals include the erection of a new screen fence set further away from the boundary, such that the occupiers' view from the ground floor windows of Ty Dreenon (that currently face the fence at a distance of 1 metre), would then be facing a blank wall (the rear wall of the proposed dwelling) which would extend 1.5m above the height of the proposed fence, and at a distance of 3 to 4 metres, from Ty Dreenon.

It is considered that in amenity terms, the proposals do not result in an improvement beyond the existing situation, and as a part of the current proposal represent an overbearing impact upon the adjacent dwellings, thus an unacceptable impact upon residential amenity. The final point in respect of residential amenity is one upon which it could be argued that the proposal has the potential for the privacy of both New Station House and Ty Dreenon to be adversely affected. The introduction of a flat roof at a distance of 3 to 4 metres from these neighbouring dwellings, with direct view down into the ground floor windows, introduces an element of uncertainty in respect of how much maintenance a sedum roof would need, and even though a planning condition could be imposed to prevent the use of the roof for domestic purposes, it would be difficult to envisage how enforcement would proceed against maintenance undertaken more frequently than is necessary.

In respect of character and context, and the impact upon visual amenity within the surroundings, the proposed dwelling bears no resemblance to any other neighbouring building, and would be a stark contrast to the existing stock of properties. It is difficult to view this as 'sensitive infilling', when the design ethos appears to be based upon the premise that the proposed dwelling should be in contrast not only to the existing group of buildings, but also to most, if not all, development in the Machen area.

The accompanying Design and Access Statement begins its justification for a contemporary design and appearance, by commenting that the area has a 'variety of styles, offering no coherent architectural vocabulary.' It continues: 'the design philosophy, the physical constraints of the site and respect for amenity of neighbouring properties may dictate the architectural character of the new building. For example, a flat "green roof" conveys a number of environmental benefits while reducing the visual impact of the dwelling.' The applicant concludes this section by declaring that he knows of no other such roof in the vicinity. The applicant's design response to 'context and character' conveys the opinion that there is no 'vernacular' style in the immediate vicinity, and that this proposal must therefore be acceptable because it is in complete contrast to anything else in the area.

The introduction of a flat roof dwelling, with long, low rectangular appearance, and a utilitarian demeanour, displays a lack of any of the local attributes associated with White Hart, and would be at odds with the characteristics of this semi-rural location.

In addition, the proposals include the raising of the garden area within the site by almost 2 metres, which would necessitate the construction of a 2.5m high retaining wall adjacent to the highway verge of the A468 highway. Currently, the boundary is formed by a 1.2 metre high natural stone wall, behind which is a row of young to semi-mature trees, and shrubs, all of which serve to enhance the rural appearance of this approach to Machen village. The proposed replacement of this boundary treatment with a 2.2m (average height, - 2.5m

maximum) high gabion constructed retaining wall, albeit faced with natural stone, would result in the urbanisation of this length of road as it approaches Machen from the west.

Whilst Planning Policy Wales indicates that local planning authorities should avoid inhibiting opportunities for innovative design solutions, or attempt to impose a particular architectural taste or style arbitrarily, it does instruct that poor building and contextual designs should be rejected. It is considered that this Authority in making this decision would not be imposing a particular architectural taste or style, nor would it be acting in an arbitrary manner. The reasoning behind the decision is based upon the assessment that the proposal due to its stark utilitarian appearance and prominent position would result in the urbanisation of this part of White Hart and have an adverse impact upon visual amenity at the western approach to Machen village.

Comments from Consultees: These are included where relevant within the analysis above.

Comments from public: The comments of the objectors have been addressed within the analysis above. In respect of the comments about the plans being misleading or misrepresenting land ownership, the applicant submitted amended plans indicating a reduced site area, in order to exclude land in the ownership of the Council, which would serve as highway verge.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

The reasons for the Council's decision are

- 01) By virtue of the stark utilitarian appearance and prominent position the proposal to construct a retaining wall, raise the garden level and erect a new dwelling would be out of character with the surroundings and would result in the urbanisation of this prominent location at the western approach to the village of Machen to the detriment of visual amenity, contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, the Local Planning Authority's adopted supplementary planning guidance LDP6 'Building better Places to Live', Planning Policy Wales (2011), and Welsh Government TAN12 'Design'.
 - 02) By virtue of the height, massing and proximity of the proposed dwelling to the neighbouring dwellings the proposal would have an overbearing impact and the potential to adversely affect privacy to the detriment of residential amenity. This is contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Local Planning Authority's adopted supplementary planning guidance LDP6 'Building better Places to Live', Planning Policy Wales (2011), and Welsh Government TAN12 'Design'.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0098/COU 03.05.2012	Mr A Jones 3 Garth Villas Abertridwr Caerphilly CF83 4DS	Change the use of ground floor from printers to chip shop takeaway and change the use of first floor from office/store to self-contained 1 bedroom flat 28 Bridge Street Blackwood NP12 1AX

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The site is an existing commercial unit in a side street off the High Street of Blackwood.

Site description: The unit is within a terrace of 6 commercial properties. It was last used as a printers and is currently vacant. Opposite (north) is a carpet retail shop. To the rear (south) are residential properties. Immediately to the east are two adjoining commercial units and beyond are residential properties. To the west are three adjoining commercial units and a car park beyond.

Development: Change of use from a printers to a hot food takeaway on the ground floor with a self contained flat above.

Dimensions: The ground floor plans indicate the removal of an internal staircase with the whole floor converted to a serving area to the front with food preparation to the rear. The first floor plan shows a new external stairway from the small rear courtyard leading up into a flat with single-bedroomed accommodation.

Materials: Apart from the addition of an external stair and a flue to the rear, the elevations remain as existing.

Ancillary development: No off-street parking provision is currently available or to be provided.

PLANNING HISTORY

P/98/0984 - Change the use from retail and flat to retail and offices plus erection of stores building on rear hardstand - Granted 05.02.99.

P/04/1913 - Erect two-storey rear extension - Granted 11.02.05.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Within the retail boundary of Blackwood.

Policies: CM1.2 (Principal Town Centre Boundaries), CW14 (Use Class Restrictions - Retail) and CW2 (Amenity).

NATIONAL POLICY There are no policies of direct relevance to this particular case.

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? - No.

CONSULTATION

Blackwood Town Council - Requests consideration of limiting opening hours and control of odours.

Dwr Cymru - Requests conditions regarding the drainage of the development and to protect a public sewer crossing the site.

Head Of Public Protection - No objection subject to conditions concerning external equipment, opening hours, odour control and waste collection.

Police Architectural Liaison Officer - No objection. Advice is given regarding the security of the premises.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 16 neighbouring properties have been consulted.

Response: Four letters have been received.

Summary of observations:

- There will be an unacceptable increase in on-street parking in the already narrow Bridge Street, particularly during peak times. One letter from the neighbouring hot food business explains that it is already necessary for delivery vehicles to park on double yellow lines or the pavement.
- There will be late night disturbance and anti social disorder, in a location that is currently relatively quiet.
- Blackwood is already "saturated" by existing hot food uses.
- No objection is raised regarding the proposed flat.

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? Disorder is a material planning consideration that is taken into account in the following analysis.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No.

ANALYSIS

Policies: With regard to the ground floor proposal for a hot food takeaway (A3 use) the application building is within the Principal Town Centre of Blackwood. Principal locations are areas where policy CM1 suggest A3 uses may be located rather than within primary retail areas. CW14 goes on to explain that in principal areas ground floor non-A1 uses should be resisted except where the vacancy rate has been over 10% for a year. Currently the vacancy rate is just under 10%, however the application site is off the High Street close to the retail boundary of town, within a terrace of six where a third of the units are currently vacant, only one is in A1 use and that is a barber.

It is considered that an A3 use at this location would have very little impact upon the vitality of the Principal Town and it is therefore not contrary to the principle of policy CW14.

The factors that combine to reach the above consideration also have particular relevance when considering policy CW2, which requires that developments should not have an unacceptable impact upon the amenity of adjacent properties or land. Having pointed out that the terrace within which the application building lies is not within the heart of the A1 High Street trade it is consequently to be noted that it is in a side street where activity is lower and in the evenings there is only one existing hot food take away use (there is a restaurant further down the road within a former public house). The unit is two doors away from adjacent residential properties and the unit next door is a hot food takeaway. Cumulatively two takeaway units within such close proximity to residential properties would, in this quieter side street, materially affect its character particularly in the evenings. In many circumstances it would be appropriate to apply hours of operation to limit the impact of such a use upon the amenity of near by residential properties; however, two such uses operating up until hours such as 23.00 would cumulatively unacceptably lower the evening amenity of this quieter street at the edge of the town contrary to CW2.

With regard to the proposed first floor flat above the A3 use it should be explained that if the ground floor were in A1 use the flat would be permitted development, (changes to the General Permitted Development Order in 1995 allow residential conversions of first floors above shops to encourage their utilisation as residential accommodation). The permitted development does not require standards such as adequate parking or amenity space. The proposed residential use does not have any off-street parking and the private amenity space is inadequate; however, given the planning standards incorporated in permitted development allowances it is not considered that this would warrant a reason for refusal. Notwithstanding the implicit planning standards of the Order the proposed development includes a new external steel fire escape type stair case that is not permitted development. The new stair replaces the existing internal stair and commits the flat to be accessed from the rear lane, with no direct access to the highway/footpath to the front of the building. The rear lane is a narrow single track without a separate footpath for pedestrians. The narrow unlit lane also serves as the rear access to David Street. Without any off-street parking all access of necessity must be on foot along the lane. The lane is not suitable to serve as the principal means of access by virtue of its described limitations.

Comments from Consultees: The Head of Public Protection has raised no objection subject to conditions concerning external equipment, opening hours, odour control and waste collection. Blackwood Town Council has raised similar considerations. For the reasons

explained above it is not considered that the application of hours of opening would adequately control the impact of the use upon the character of the locality.

Dwr Cymru and the Police Architectural Liaison Officer raise no objections.

Comments from public: The letters of objection refer principally to two areas of concern: highways safety and residential amenity.

With regard to the first concern that centre around the lack of off-street parking and restricted width of Bridge Street (which is not an A or B class road), it is to be pointed out that this concern would be likely to apply not just to an A3 use but to a very wide range of uses of the premises including A1. A3 uses can give rise to some short term parking as customers do make quick visits to pick up meals and consequently may not park as carefully as those making lengthier shopping trips. That difference is not though considered sufficient to warrant refusal within a retail area.

The concern regarding the impact of an A3 use upon the character of the location explains that it is a "very quiet neighbourhood"; this is taken into account in the above analysis.

It is suggested that Blackwood has reached an A3 use "saturation" point. Although vacancy rates are currently just below 10% as explained above an A3 use at this location would have minimal impact upon the retail function of the town.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The additional activity of a hot food take away business adjacent to an existing such use in a position that is both near to residential properties and in a side street near the boundary of the town, will unacceptably impact upon the quieter character and amenity of the location, particularly during the evenings, contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 02) The narrow unlit rear lane without a footpath separate from the carriageway is considered to be unsuitable as the principle means of access to the proposed flat contrary to policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0149/FULL 28.02.2012	Mr A Thornhill 10 Twm Barlwm Close Trenwydd Park Risca Newport NP11 6RF	Erect first floor rear extension 10 Twm Barlwm Close Trenwydd Park Risca Newport NP11 6RF

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Twm Barlwm Close, Ty Sign, Risca.

House type: End of terrace two storey property.

Development: It is proposed to erect a first floor rear extension.

Dimensions: The proposed development measures 3.5 metres in depth, 4.5 metres in width, with a height of 6.5 metres to ridge level.

Materials: Rough cast render walls and red roof tiles to match existing dwelling.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY

2/12413 - Erect double-storey bedroom/living room extension to side elevation - Refused 29.06.95.

10/0433/FULL - Erect two-storey rear extension and new patio - Refused 11.08.10 and Dismissed on Appeal 11.04.11.

10/0618/FULL - Erect single-storey rear extension and new patio area - Granted 18.10.10.

11/0604/FULL - Erect first floor rear extension which forms part of a re-submission to application 10/0433/FULL - Application Returned.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), and guidance contained within Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY: Planning Policy Wales and TAN12 (Design).

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? No.

CONSULTATION

Transportation Engineering Manager - No objection.

Dwr Cymru - Provides advice regarding public sewers.

ADVERTISEMENT

Extent of advertisement: Five neighbouring properties were consulted and a site notice was placed onsite.

Response: One neighbouring property raised objection.

Summary of observations: The neighbour's objection relates to the applicant's claim that adequate additional parking spaces are available in the nearby parking courtyard. The objector states that all of these spaces are in private ownership.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposed development should be assessed against the relevant development control policies as outlined above. It is considered that the proposed two storey rear extension has been well designed in terms of its setting, scale and materials, and will integrate with the host dwelling. As the proposed extension will be sited on the north elevation of the property the development will not result in an overshadowing impact. Furthermore, as the proposal is set 0.8 metres off the boundary with the adjoining property, and with a length of 3.5 metres, it is not considered that the proposed development will result in an unacceptable overbearing impact. Sufficient amenity space is retained to the side of the property, and therefore it is not considered that the proposal represents an overdevelopment of the site.

An application for a two storey rear extension at the property (Ref: 10/0433/FULL) was refused in August 2010, and an Appeal was subsequently dismissed on the grounds that the proposed development required additional parking provision, which the applicant was unable

to provide due to the constraints of the site. The current application was accompanied by additional information relating to the nearby parking courtyard, i.e. adjacent to No. 7 Twmbarlwm Close, and claims that this parking area provided additional off-street parking opportunities. However, it has not been possible to determine the exact land ownership of the spaces within the parking area, and therefore permission cannot be granted for parking in the area on this basis.

However, Schedule 6 of Supplementary Planning Guidance LDP5: Car Parking Standards (Adopted July 2009), states that under certain circumstances, the Council will accept lower levels of parking provision, provided the applicant can prove the application property is within close proximity to local services and public transport. Indeed, additional information has been submitted to evidence a bus stop within close proximity of the application site, with a regular bus service (i.e. every 20 minutes), as well as the nearby proximity of local facilities, e.g. foodstores. This additional information allows a reduction of parking provision from 2 spaces to 1 space for the proposed additional bedroom extension, i.e. increasing the property from 1 bedroom to 2 bedrooms. In light of this information, it is considered that the applicant has overcome the previous reason for refusal.

Comments from consultees: The Transportation Engineering Manager raises no objection based on the Sustainability information submitted in accordance with Schedule 6 of LDP5: Car Parking Standards.

Comments from public: The concerns of the neighbour are no longer relevant as the applicant is no longer proposing to claim additional parking space in the nearby parking courtyard. The information submitted in accordance with Schedule 6 of LDP5: Car Parking Standards overcomes the requirement for an additional parking space as outlined above.

Other material considerations: None.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW3.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0209/COU 09.03.2012	Arrow Group Retirement Benefit Scheme The Auto House (Blackwood) Ltd Commercial Road Pontllanfraith Blackwood NP12 2YE	Change the use of land to permit provision of turning head for car transporter, additional parking for staff and bunding/landscaping of same Land Adjoining Arrow Ford Commercial Street Pontllanfraith Blackwood NP12 2JG

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is an area of land that lies to the north of the Arrowford buildings that front onto Commercial Road Pontllanfraith.

Site description: The land is currently undeveloped and covered in scrub. A cycleway and footpath (PROW 1730) pass through the site.

Development: The construction of a car park and turning area.

Dimensions: The surfaced area is approximately 30 metres by 28 metres in size. Within it are 22 parking spaces and a turning area of sufficient size for a large commercial vehicle (car transporter). The details as submitted include a 6 metre landscaped bund to the north and western boundary.

Materials: Concrete and tarmacadam.

Ancillary development: None.

PLANNING HISTORY

2/11337 - Re-fencing of compound area - Permitted Development 18.05.94.

2/11338 - Conversion from metal fabricators to car body/paint shop - Granted 30.07.93.

P/97/0274 - Retain change of use of former welding fabrication yard to storage/parking in connection with existing adjoining welding/paint spray body shop - Granted 14.05.97.

P/99/0525 - Erect extension to car body shop - Granted 26.08.99.

P/99/0820 - Use plot for use as car sales - Granted 25.11.99.

P/04/1755 - Erect extension to vehicle repair body shop - Withdrawn 09.10.07.

07/0244/RET - Retain workshop building to rear of yard - Granted 20.01.09.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: Unallocated land within the settlement.

Policies:

TR1.9 Cycle Route

CW3 Highway Design Considerations.

NATIONAL POLICY: - None of direct relevance to this case.

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? - No.

CONSULTATION

Transportation Engineering Manager - Requests conditions regarding the access to and use of the facility, and to protect the public right of way through the site.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Comprehensive surface water and land drainage proposals are requested for consideration.

Rights Of Way Officer - Footpath 87 Mynyddislwyn passes through the site and must not be obstructed.

Environment Agency (Wales) - It is noted that the site is within a Zone C2 flood plain and the developer should be advised accordingly. Sustainable drainage is recommended. Detailed hydraulic modelling is required if the bund is to be retained within the development and its removal is recommended.

Countryside And Landscape Services - No objection subject to a reptile survey that shall include mitigation measures where appropriate.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 6 neighbouring properties have been consulted.

Response: No response has been received.

Summary of observations: None.

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 the proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: This application is for a car park and turning area to serve an existing group of commercial activities. The application is the result of enforcement action due to the failure of the owner to provide a turning area for two car sales businesses (one of which is currently vacant and for which a separate turning area has been agreed).

The turning area was primarily required to enable vehicle transporters to turn and unload cars for sale off the highway.

The proposal also provides 22 off-street parking spaces to serve the existing uses. The existing premises are currently constrained and parking is limited. Policy CW3 requires that proposals should have regard to the safe use of the transportation network. By avoiding the current practice of vehicle transporters unloading on Commercial Road near to traffic lights the proposed turning area complies with CW3. It also will fulfil the requirements of planning conditions 2 (turning area) and 3 (Customer and operational parking) of planning permission reference P/03/0048 and condition 3 (turning area) of planning permission reference P/99/0820. Given that the turning area and parking are required to resolve existing highway issues they should be retained for those uses only and not put to other use such as the sale and display of vehicles.

Comments from Consultees: The Transportation Engineering Manager requests conditions regarding the access to and use of the facility and to protect the public right of way through the site. If it is to fulfil its purpose particularly important that an adequate route of 5.5 metres width be achieved from the turning areas through to the adopted highway. Rights Of Way Officer also draws attention to the fact that Footpath 87 Mynyddislwyn passes through the site and must not be obstructed. This may be required by condition.

Senior Engineer (Land Drainage) requires comprehensive surface water and land drainage proposals are requested for consideration.

Environment Agency (Wales) note that the site is within a Zone C2 flood plain and the developer should be advised accordingly. Sustainable drainage is recommended. Detailed hydraulic modelling is required if the bund is to be retained within the development and its removal is recommended. The applicant has agreed that the bund should be omitted and a condition should be imposed to that effect for the avoidance of doubt.

Countryside and Landscape Services raise no objection subject to a reptile survey that shall include mitigation measures where appropriate.

The Head of Public Protection raises no objection.

Comments from public: None.

Other material considerations: The completion of the parking and turning area will fulfil the requirements of planning conditions 2 (turning area) and 3 (Customer and operational parking) of planning permission reference P/03/0048 and condition 3 (turning area) of planning permission reference P/99/0820, the development should therefore also be considered to discharge those conditions and the enforcement action that has been commenced (currently there is a pending prosecution of the applicant for failure to comply with the enforcement notice relating to the part of the commercial site that is currently in use in breach of condition). Should members approved the proposed development, when the development is completed and the conditions are in effect, it will have the effect of complying with the previous conditions and further enforcement action including prosecution will no longer be expedient.

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 parking spaces hereby approved shall following their completion be marked out as approved and used only for the parking of customer, employee and delivery vehicles associated with the adjoining commercial site and shall not be used as a vehicle display/sale area or for storage of vehicles awaiting repair or sale or obstructed in any other way.
REASON: To retain effective control of the parking spaces in the interest of highway safety.
- 03) The turning area and operational space hereby approved shall following its completion be used only for the turning and manoeuvring of customer, employee and delivery vehicles associated with the adjoining commercial site and shall not be used as a vehicle display/sale area or for storage of vehicles awaiting repair or sale or obstructed in any other way.
REASON: To retain effective control of the turning area and operational space to ensure that vehicles can enter and leave in a forward gear in the interest of highway safety.
- 04) Prior to the commencement of the development hereby approved details of a clear access route from the B4251 Commercial Street shall be submitted to and agreed in writing with the Local planning Authority. The access route shall not be less than 5.5 metres width and the agreed access route shall be completed and marked out prior to the beneficial use of the parking and turning area hereby approved and thereafter it shall be maintained free of any obstruction and there shall be no other vehicular access route to the parking and turning area hereby approved.
REASON: To ensure the development is accessed by a route of adequate width in the interest of highway safety.
- 05) A safe pedestrian route for the footpath that passes through the site shall be maintained throughout the construction of the development hereby approved.
REASON: The Sirhowy Valley Walk Footpath 1730 passes through the site.

- 06) Prior to the construction of the development hereby approved construction details of the parking and turning area shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be completed in accordance with the agreed details.
REASON: To retain effective control of the finished surface and in the interest of highway safety.
- 07) Prior to the construction of the parking and turning area hereby approved details of the site drainage shall be submitted to and agreed in writing with the Local Planning Authority. Those details shall include the investigation of sustainable drainage techniques and take account of potential oil/fuel contamination. The development shall be completed and maintained thereafter in accordance with the agreed details.
REASON: to ensure that the site is adequately drained and to protect the water environment.
- 08) The development hereby approved relates to details received on 27th April 2012 and does not include the construction of the bund as initially submitted.
REASON: For the avoidance of doubt as to the extent of this consent.
- 09) The development hereby approved shall not commence until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment and if necessary details of any proposed mitigation measures, have been submitted to and agreed in writing by the Local Planning Authority. Where the mitigation measures include translocation or habitat provision within or outside the application site, details of the location of the donor habitat and receptor sites for translocation shall be provided together with a method statement. The development shall be carried out in accordance with the agreed measures.
REASON: To ensure that reptiles are protected, in the interests of biodiversity.

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: CW3 and TR1.9.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0249/RET 13.04.2012	Cross Keys Hotel Mr A Horgan High Street Crosskeys NP11 7BY	Retain timber frame outdoor stage Cross Keys Hotel High Street Crosskeys Newport NP11 7BY

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is a part of a beer garden within the grounds of a public house between a railway line and the High Street in Crosskeys.

Site description: The beer garden is triangular in shape and mostly grassed. The part of the site to which this application relates is within the apex of the triangle. On one side is a railway and the other is the High Street. The base of the triangle faces into the beer garden. The closest dwellings are at Carlton Terrace approximately 40 metres away.

Development: The retention of a covered wooden stage.

Dimensions: The base of the stage is a low timber platform approximately 5 metres long by 3 metres deep. A simple single pitched roof covers it and one of the sides adjacent to the railway is fully boarded.

Materials: Timber stained brown.

Ancillary development: None.

PLANNING HISTORY

06/0841/FULL - Erect timber decking to side garden area - Granted 01.03.07.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Land within the settlement boundary.

Policies: CW2 (Amenity).

NATIONAL POLICY None applicable.

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? - No.

CONSULTATION

Transportation Engineering Manager - No objection.

Senior Engineer (Consultancy Manager) - No comments.

Head Of Public Protection - It is noted that physically the structure is a small side-less shed that in many respects reflects a piece of garden furniture or shelter such as a gazebo. It occupies one small corner of a beer garden. Previous noise generating activities relating to the use of the site as a whole have been of concern to the Environmental Health Department and are not constrained to the use of this corner alone. No effective planning conditions such as hours of operation can be recommended as antisocial use, such as amplified music, has the potential to cause unacceptable disturbance at any time during the night or day and the activity could readily be removed to another position that is outside the structure to which any planning condition may be attached. Planning conditions that would control 15 square metres of the garden would serve little practicable purpose. The control of noise pollution of the whole of this site will necessarily remain to be maintained through Environmental Health Legislation. The Department therefore recommends that the applicant be advised that a planning permission for the physical retention of this wooden structure does not convey any other consent or licence that may be required for its use or signal any approval for activities that cause disturbance or curtail the right of the Authority to take any action under available provisions to bring noise or other nuisance under control.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 44 neighbouring properties have been consulted.

Response: Three letters been received.

Summary of observations:

- The stage will have a detrimental impact upon the residents of Carlton Terrace and Woodward Road, particularly upon individuals who work shifts and need sleep.
- The stage will encourage antisocial behaviour, drunkenness, drugs and vandalism.
- It is preferable that live entertainment be contained within the building where it would cause less disturbance.
- It is suggested that the current management of the public house has given rise to a variety of problems including one event involving a bouncy castle with a generator.
- Approval of the stage will in effect sanction the events that have caused disturbance to local residents.
- One letter is accompanied by 11 photocopies of letters to the Environmental Health Department raising concerns regarding a planned open-air rock concert and based upon previous disturbance from events.

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 the proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No.

ANALYSIS

Policies: Policy CW2 requires that development should not have unacceptable impact upon the amenity of adjacent properties or land. This application is for the retention of a wooden stage within the beer garden of a public house.

As operational development the structure itself is reasonably well separated from the nearest residential properties, fairly small and provides a floor area of roughly the size of a single car parking space. As structure it is relatively insignificant and well screened therefore its visual impact is minimal. From the letters received there is a clear concern that its use for staging events such as rock concerts will give rise to unacceptable disturbance to residential properties in the locality. Amenity is a material planning consideration.

This application is for operational development and does not include a change of use. Notwithstanding planning considerations may take account of operational developments that can give rise to disturbance due to their nature, for example ventilation machinery that should be positioned or silenced so as to reduce its impact upon noise sensitive properties. From the letters received it is to be noted that there has been disturbance from events that pre-date the current proposal and it is an issue that involves a range of external activities/entertainment. Clearly the inappropriate use of the stage could lead to disturbance and equally it could be used without giving rise to issues of amenity. It is to be borne in mind that the nearest dwellings are 40 or more metres from the site thus uses causing disturbance would clearly need to exceed usual beer garden activity. In addition from the site's history it is clear that the stage is not essential to the putting on of events that cause disturbance. Refusal of planning permission would not resolve the disturbances that are related to the management of the site's external activities. These issues have been the subject of control under Environmental Health provisions and Noise Abatement action has already been taken with regard to amplified music within the grounds. The Environmental Health Department have also explained that no objection is raised with regard to the structure per se, which used with consideration should not cause disturbance and which only occupies a very small portion of the whole site. Further that noise generating activity could easily take place off-stage in any other part of the garden or curtilage outside the planning control of this application.

If refusal is not warranted because it would serve little practicable purpose and is not justified in terms of the operational development, the imposition of conditions should be considered, for example hours of operation that may be imposed to ensure near by noise sensitive properties are protected. Environmental Health point out that amplified music and other forms of excessive noise cause disturbance both at night and during the day. Moreover the disturbance emanates well beyond the boundary of the site into the general neighbourhood. Therefore whilst conditions could be imposed to limit the hours of use of the levels of noise that are of concern go beyond that which planning conditions could control; and they are not solely related to the structure.

Comments from Consultees: The concerns of the Environmental Health Officer are discussed above.

The Transportation Engineering Manager raises no objection.

Comments from public: It is evident from the letters received that the use of the stage and the whole of the site are of concern where the result is noise generating activity that would give rise to unacceptable disturbance to residential properties in the vicinity. It is also clear from the letters that the concerns are general to the site rather than specific to the portion occupied by the stage, which if used responsibly should not present a problem. Whether or not planning permission should be granted, with or without conditions is discussed above. The conclusion is that the use of the site remains an issue with or without the stage or conditions attached to it. As a small wooden structure in a beer garden its responsible use should be acceptable. One of the letters observes that its retention may be misinterpreted as signalling approval for antisocial and unacceptable disturbance. This concern is shared by the Environmental Health Department, who have recommended that the applicant be advised that this is not the case and any activity within the grounds that gives rise to nuisance will remain liable to action.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

Advisory Note(s)

Please find attached the comments of Environmental Health Division that are brought to the applicant's attention.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0269/NCC 03.04.2012	Newbridge Construction Ltd C/O Boyer Planning Mr S Barry 1B Oaktree House Oaktree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS	Vary Condition 2 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters Land At Gellideg Industrial Estate Gellideg Lane Maesycwmmmer Hengoed

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is located to the east of Maesycwmmmer. To the north of the site lies a strip of land previously used for landfill, now restored and re-vegetated with trees and scrub vegetation. The A472 road runs alongside the northern edge of that land. To the east and south lies the Bryn Meadows Golf Club, the boundaries comprising established hedgerows and trees. The western edge of the site is bounded by the road and housing known as Gellideg Heights. There are existing industrial units to the north and south of the westernmost part of the site.

Site description: The western part of the application site which is within the identified settlement boundary is occupied by three disused industrial/commercial buildings and their curtilage. Access to these buildings is gained direct from Gellideg Lane at a point just north of the access from the lane to Gellideg Heights housing estate. Across the central part of the site the remains of colliery spoil heaps extend from north to south. The northern most part of the heap is still in place and rises to approximately five metres above surrounding ground level. Its surface and slopes are partially vegetated with bramble and gorse, with steep slopes that encroach on to the oak and birch woodland within the north western corner of the site. The ground rises up from 156 metres AOD at its lowest point at the north east extreme of the northern boundary to a height of 170 metres AOD in the southwest corner of the southern boundary alongside the golf course.

Development: In July 2009 a Planning Inspector allowed an appeal against this Council's refusal of planning permission for residential development and associated access on land at Gellideg Heights, Maesycwmmmer, and granted outline planning permission subject to conditions. Condition 2 of that permission requires approval of Reserved Matters to be made no later than three years from the date of the permission (by 21st July 2012). The applicant's agent advises that, notwithstanding the progress being made by the applicants, they consider it unlikely that they will be in a position to complete their Reserved Matters submissions by that date and are therefore looking to extend the period specified. This application therefore seeks permission to vary Condition 2 to provide a further three years for the submission of Reserved Matters.

The permission was supported by a Unilateral Undertaking (planning obligation) entered into by the owners of the land. The undertaking included obligations in respect of the provision of affordable housing, a contribution towards education provision, the provision of road improvements, the provision of ecological works, and public open space obligations.

The permission relates to the redevelopment of the site for 95 residential units. With the exception of access all matters were reserved for subsequent approval. An illustrative layout (the same as submitted with the original application) indicates a scheme for the residential units with associated amenity space, with the provision of a new access road and internal road direct from the A472 linking through the development to Gellideg Heights. The site layout shows low density 4-bed 2-storey houses on the eastern edge of the site next to the golf course, medium density 2/3-bed 2/3-storey houses in the middle, and high density 1/2 bed 3-storey flats and 2/3-bed 2/3-storey houses on the western and north western part. The layout plan also shows an area of public open space, two areas of local play and an ecology buffer located along the southern and eastern boundary. A landscape buffer is also proposed on the western boundary of the site to provide separation between any new housing and the adjoining industrial units.

This application is supported by an updated Design and Access Statement.

Dimensions: The application site is 4.13 hectares in size.

Materials: The application seeks to extend the life of an outline planning permission in which all such details are reserved for subsequent submissions and consideration.

Ancillary development, e.g. parking: The proposed access arrangements comprise a new traffic signal controlled junction to the north of the site directly onto the A472 Main Road. The new access would accommodate all vehicles and includes pedestrian and cyclist facilities. Footways are incorporated on both sides of the proposed access road and would link into the existing footway / cycleway network on the A472 . The internal highway network has been designed to accommodate both domestic and commercial vehicles as the road will serve residential properties and the existing business units off Gellideg Heights. The illustrative layout shows a possible closure of an existing section of Gellideg Heights. It is suggested that this could beneficially permit existing traffic to divert onto the proposed access road through the new development and enable existing residents to use an improved access onto the A472.

PLANNING HISTORY

5/5/89/0169 - Change the use of former print works to mini skip hire depot - Refused 27.04.89.

5/5/89/0535 - Transport yard - Refused 06.12.89.

5/5/90/0177 - Construct partly single and partly dual carriageway principle road with associated side roads - Granted 18.05.90.

5/5/90/0240 - Parking and maintenance of lorries - Granted 29.06.90.

5/5/90/0774 - Operate small plant to recycle builders waste and excavated materials - Refused 31.01.91.

P/00/0118 - Construct surfaced pedestrian and cycle path as part of the South Wales Cycle Route - Granted 04.05.00.

08/0539/OUT - Erect residential development and associated access - Refused 04.12.08. Allowed on Appeal 21.07.09.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: With the exception of the access link from the site to the A472, the whole of the site is within settlement limits and the western part which was previously occupied by industrial buildings forms part of a larger allocated housing site. The access link is also within a green wedge.

Policies: SP2 (Development Strategy in the Northern Connections Corridor), SP5 (Settlement boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP15 (Affordable Housing target), SI16 (Green Wedges), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Obligation), CW15 (General Locational Constraints), HG1.40 (Allocated housing site) and TR5.5 (Transport Improvement Schemes - A472 Crown Roundabout to Cwm Du Roundabout).

NATIONAL POLICY: Planning Policy Wales 4th edition Feb 2011 and Technical Advice Notes 5 'Nature Conservation and Planning', 12 'Design', 18 'Transport'.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

CONSULTATION

Maesycwmmmer Community Council - The Council would like to record its objections to the extension of a further 3 years in the strongest terms possible and advises that the objections (set out below) that they made to the original application still stand. Object to permission being given for this development because they feel that there are significant access issues at the junction with the Main Road and unless there are improvements to this junction the building of an additional 95 houses will make the problem worse. The Council would also like to object to the proposed new access which they consider will cause additional problems on the main road A472 with two problem junctions within a few hundred yards of each other. The Council also feels that the scale of the access is such that it is being constructed to serve far more than 95 dwellings. The roundabout inside the development would seem to be totally unnecessary for the proposed number of dwellings and would indicate that it is likely to be the first of many applications in the area. The Council objects to wholesale development at this location as it undermines the village status of Maesycwmmmer and all but removes the green barrier which separates it from neighbouring Pontllanfraith. The Council also feels that the disruption to the cycle path is undesirable.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No adverse comments in respect of this application to provide a further three years for the submission of reserved matters. .

Dwr Cymru – Recommends that conditions be attached to any permission granted requiring that foul water and surface water be drained separately from the site, no surface water or land drainage run-off be allowed to discharge into the public sewerage system, and a comprehensive drainage scheme be submitted for the approval of the Local Planning Authority.

Minerals Officer - No objection. The site is within the settlement boundary identified in the adopted LDP.

CCBC Housing Enabling Officer - The Unilateral Undertaking details the previous affordable housing policy prior to the adoption of the LDP. The new LDP and Supplementary Planning Guidance on affordable housing provides the agreed values for transfer of affordable housing units and the Local Planning Authority should consider revising the s106 agreement to take into account our new policy.

Outdoor Leisure Development Officer - It is reassuring that the development includes for sufficient, sustainable and proximal play facilities that appear to meet the threshold deliverables for this scale of development.

This is likely to be sufficient play provision for this catchment and he would be keen to work with the developer on design specifics.

A locally equipped play area in this area considerably sited would fit in with the strategy and also the latest requirements set out in the LDP and moreover the latest government policy on providing sufficient play opportunity set out in the Children & Families (Wales) Measure 2010.

In the event that the Council takes over the ongoing maintenance and responsibility for any play facilities sited on this development a commuted sum would be required.

Police Architectural Liaison Officer - Provides crime data for the area and guidance on 'Secured by Design' measures that could be incorporated into the development.

Countryside And Landscape Services - The conditions attached to the previous application for this site 08/0539/OUT in respect of ecological matters can be transferred to the new permission. However, several years have elapsed since the original surveys were undertaken and whilst surveys for badgers and birds are included in these conditions, there is no updated survey for bats in the original conditions. A new condition should be added to the approval requiring an updated bat roost survey.

The unilateral agreement will also need to be amended to ensure that it relates to this application.

Rights Of Way Officer - FP215 and RBW216 Bedwas pass the site and must not be obstructed.

Environment Agency (Wales) - The Agency regards this development as a lower risk development proposal and therefore does not offer any observations.

Education - No further comment.

Strategic Planning & Urban Renewal Manager - In making policy observations, the Inspector's original comments are noted on the design and layout of the proposed scheme and the Inspector's view is echoed in that consideration of the proposal is not based upon the details of the illustrative layout as this is clearly unacceptable in terms of both local and national planning policy.

The observations outlined below therefore are in respect of the principle of the residential development at this location only.

Caerphilly County Borough Local Development Plan 2012 (Adopted November 2010)

The application site is in the main a brownfield site located at the eastern edge of the settlement of Maesycwmmer. The proposed residential element of the site lies wholly within the settlement boundary for Maesycwmmer, whilst the proposed access arrangements to the outline housing development incorporate a new traffic signal controlled junction onto the A472 Main Road. This element of the proposal would lie outside the settlement boundary and within the green wedge. (Policy SP5 Settlement Boundaries, Policy CW15 General Locational Constraints and Policy SI16 Green Wedge refers).

The main consideration from a policy perspective is in relation to the development of this site and its potential impact on the future implementation of HG1.40 Land at Gellideg Heights, which is an allocated housing site in the Caerphilly County Borough Local Development Plan (LDP). Notably, the application site forms the northern part of that site.

Within the Northern Connections Corridor, the development strategy that underpins the LDP seeks to promote sustainable development that focuses significant development on both brownfield and greenfield sites and which makes the most efficient use of the existing infrastructure (Policy SP2 refers). Development at this location adheres to this broad policy objective.

The Strategy is also supportive of new development that will support existing settlements, and which will enhance the role and function of settlements in line with their status in the hierarchy. The provision of new residential development within Maesycwmmer will serve to contribute to the type and mix of housing in the village and will also provide additional support for the neighbourhood shops serving the needs of the local area. Development at this location therefore adheres to Policy SP4 Settlement Strategy.

As indicated the proposal as outlined is not considered satisfactory in terms of layout and design and therefore does not adhere to Policy SP6 Place Making of the adopted LDP. This aspect of the proposal is contrary to both local and national policy.

Policy SP7 Planning Obligations makes provision for the Council to seek to secure Planning Obligations that are necessary in order to remove any obstacles to planned development. In this respect, the details of the Unilateral Undertaking associated with outline consent 08/0539/OUT are noted and would request that these provisions continue to be secured through this current application through the appropriate mechanism (UU or Obligation). This will ensure that the proposal adheres to the provisions of Policy CW3 Design Consideration-Highways, Policy CW4 Natural Heritage Protection, Policy CW10 Leisure Open Space Provision, Policy CW11 Affordable Housing Planning Obligations.

Policy SP15 Affordable Housing Target seeks to deliver an appropriate level of affordable housing in order to contribute to balanced and sustainable communities. In this respect, the details of the Unilateral Undertaking associated with outline consent 08/0539/OUT are noted

and would request that this provision continues to be secured through this current application through the appropriate mechanism (UU or Obligation). This will ensure that the proposal adheres to the provision of Policy CW11 Affordable Housing Planning Obligations.

Policy SP19 Transport Infrastructure Improvements recognises that there are problems in the County Borough with congestion and in particular seeks to make the most efficient use of the transport network. The establishment of the Road Hierarchy through Policy SP2 facilitates this by ensuring that traffic is channelled onto the most appropriate routes in order to maintain appropriate environmental, amenity and safety conditions. The details of the Unilateral Undertaking associated with outline consent 08/0539/OUT are noted and would request that this provision continues to be secured in respect of improvements to the highway network through this current application through the appropriate mechanism (UU or Obligation). This will also ensure that the proposal adheres to the provision of Policy CW3 Design Considerations - Highways.

Policy CW15 General Locational Constraints is of particular relevance to the current application. As stated, the main consideration from a policy perspective is in relation to the development of this site and its potential impact on the future implementation of HG1.40 Land at Gellideg Heights, which is an allocated housing site in the Caerphilly County Borough Local Development Plan (LDP). Notably, the application site forms the northern part of that site.

Policy C15 seeks to ensure that proposals for new development will not prejudice the implementation of a wider comprehensive redevelopment scheme nor constrain the development of any adjacent site for its allocated land-use. The land to the south of the application site, together with the western part of the application site itself, is allocated for residential use within the adopted LDP.

In the absence of a layout for the application site, it is difficult to determine what impact this development might have on the comprehensive redevelopment of the allocated housing site (Policy reference HG1.40).

The main areas of concern relate to the acceptability of the design and layout of the application site itself and the impact that layout may have on the design and layout of the remainder of HG1.40. Ideally this whole area should be the subject of a comprehensive masterplan to ensure that the design and layout maximises the opportunities afforded by this attractive site in terms of: orientation, accessibility, location of open space and design considerations and sustainability generally.

There are also concerns regarding the access to both sites. The LDP originally envisaged that the allocated site would gain access from the existing junction with the A472 but recognised that this would require substantial upgrading. If a new access is to be provided to access the application site there is a need to ensure that the access is adequate to serve the needs of the whole development area and not just that part of the site proposed for re-development in this application. The Transportation Engineering Manager would need to be consulted in respect of this matter.

The proposed new access to the site lies outside of the settlement boundary and is located inside a green wedge. Policy SP5 Settlement Boundaries defines the areas within which development would normally be allowed, taking into account material planning considerations. Further it seeks to prevent the coalescence of settlements. This aspect of the policy SP5 is reinforced by the designation of green wedges in areas where it is considered important to afford extra protection to avoid coalescence. In this context, the land

to the north of the application site has been designated as a Green Wedge (Policy SI16 Maesycwmmmer, Pontllanfraith and Fleur de Lys).

It is not considered however that the provision of a new access road within the green wedge to achieve appropriate access to the residential site would materially affect the functioning of the green wedge as a whole in terms of preventing the coalescence of the villages concerned.

Policy TR5.5 Transport Improvement Schemes- Northern Connections Corridor highlights the need for improvements to the strategic highway network. Specifically, the plan indicates that the A472 between Ystrad Mynach and Maesycwmmmer is one of the regional routes that require improvements to be made to alleviate problems of congestion. Any proposals to access the strategic highway network as part of the development scheme will need to ensure that existing problems are not exacerbated. The Transportation Engineering Manager would need to be consulted in respect of this matter.

Conclusion - there are no policy objections to the application to vary Condition 2 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters provided:

- The provisions of the Unilateral Undertaking associated with outline consent 08/0539/OUT continue to be secured through this current application through the appropriate mechanism (UU or Obligation) in order to ensure compliance with current policy;
- That consideration of the proposal is not based upon the details of the illustrative layout as this is clearly unacceptable in terms of both local and national planning policy; and
- Any future layout for the site has regard to both National and Local Policy and ensures that the design and layout of allocated housing site HG1.40 is not adversely effected by this proposal.

ADVERTISEMENT

Extent of advertisement: Site and press notices and neighbour notification.

Response: None.

Summary of observations: Not applicable.

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 anticipated that the development should give rise to crime and disorder and the Police Architect has provided advice on Secured by Design measures that can be incorporated into the detailed design of the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

In allowing the appeal and granting planning permission for the original application, and following his consideration of all of the ecological evidence presented at the planning inquiry, the Planning Inspector concluded that there was insufficient evidence to conclude that the

proposal would adversely affect any nature conservation interests of the site. He did however attach several conditions to the permission in respect of nature conservation issues and there were ecological obligations contained in the Unilateral Undertaking. The Council's Ecologist considers that all of the original conditions should be retained and recommended an additional one requiring an updated bat roost survey.

No European protected species implications following a survey, but the site has significant wildlife habitat potential and the absence of protected species cannot be guaranteed. A survey was carried out and although it is unlikely to be a significant issue in this case, the standard WAG species licence condition will be imposed and an advisory note will be sent to the applicant as precautionary measures.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local development plan policy and supplementary planning guidance.

The Strategic Planning and Urban Renewal Manager has comprehensively considered the policy context that should apply to the application (see above) and concluded that there is no policy objection to permitting another three years for the submission of Reserved Matters subject to the provisions of the Unilateral Undertaking being carried through to the current application in order to ensure compliance with current policy and a revised layout being required which has full regard to relevant National and Local policy.

With regards the layout (which is the same one submitted with the original application) the Planning Inspector considered that it failed to address adequately design issues raised in relevant guidance and therefore concluded it was unacceptable, other than in respect of the general alignment of the main connection estate road running between Gellideg Heights and the A472. Officers share that view and therefore recommend that it be reserved for further consideration at the detailed planning stage.

Circular 35/95 'The Use of Conditions in Planning Permissions' states that

“as a general rule, applications for the renewal of permissions before the expiry of time limits should be refused only where:

- (a) there has been some material change in planning circumstances since the original planning permission was granted (eg. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the government of new planning policy guidance material to the renewal application);
- (b) continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area;
- (c) the application is premature because the permission still has a reasonable time to run.”

These criteria are considered in turn below.

- (a) There has been a material change in planning circumstances, but this only strengthens the policy stance in favour of the development. At the time of the Planning Inspector's determination of the appeal against the Council's refusal of permission for the original application, part of the application site lay outside the settlement boundary as identified in the Approved Unitary Development Plan and within a green wedge allocated in that Plan. Notwithstanding that policy conflict, the Planning Inspector allowed the appeal and granted planning permission. Currently, with the exception of the access connection with the A472, the whole of the

application site lies within the settlement boundary as identified in the Local Development Plan (adopted in November 2010) and is not affected by any other designations (only the access link with A472 remaining in a green wedge, but as indicated above, this would not materially affect the functioning of the green wedge in terms of preventing the coalescence of the villages concerned). There has been no significant change in the highway considerations since the grant of the original planning permission. The future scheme to improve traffic flow along the A472 through Maesycwmmmer will not cause any problems to the highway proposals that were included in the original application and retained in this current application (The Transportation Engineering Manager has raised no objection to the application). There has been no new relevant national policy guidance.

- (b) The lack of progress in beginning the development to date is not sufficient to contribute to uncertainty, particularly bearing in mind that the developer has been negotiating with this Council in respect of the purchase of some land required to enable the proposed new access to the site to be achieved.
- (c) The three years for the submission of reserved matters expires on 21st July 2012 so the permission only has a short time to run.

Comments from Consultees: With regards the objections of the Maesycwmmmer Community Council, they were amongst the issues considered by the Planning Inspector when he assessed the merits of the original application and allowed the appeal and granted planning permission. Their continued objections are therefore not sufficient to support a refusal of the current application.

Comments from public: None received.

Other material considerations: None.

RECOMMENDATION that (A) the determination of the application be DEFERRED to allow the applicant to enter into a Section 106 Obligation to secure the obligations contained within the Unilateral Undertaking that accompanied the original application and ensure compliance with current policy; and (B) on completion of the Section 106 Obligation the planning permission be GRANTED.

This permission is subject to the following condition(s)

- 01) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act.
- 02) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 04) This permission shall not relate to the submitted indicative layout, a revised layout shall be submitted in accordance with Condition 1.
REASON: To clarify the extent of this permission.
- 05) Details of the scale submitted in accordance with Condition 1 shall be substantially in accordance with the scale parameters set out in paragraph 3 of the Planning Inspector's decision letter dated 21/07/09 in respect of planning application Ref. No. 08/0539/OUT.
REASON: To clarify the scale of the development hereby approved.
- 06) No part of the development shall be occupied until such time as a signalised junction on the A472 road and associated access as shown hatched blue on Plan 1 attached to the Unilateral Undertaking (drwg. 0731201-PL-GA-003 D) have been constructed to serve the development in accordance with a detailed scheme based on Drawing No. 2252.011 Rev. B that shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for, inter alia, the following:
a) Dual approach and merge lanes of at least 170m length to the west and east of the proposed junction.
b) Yellow box markings to ensure that vehicles can exit the junction and signage to inform drivers to use both lanes on the approach to the junction.
c) MOVA control together with crossing detectors and kerb side detectors, also a combined pedestrian and cyclist crossing facility to the proposed development access road that will be designed to allow cyclists to cross without dismounting.
REASON: In the interests of highway safety.
- 07) Notwithstanding the submitted plans, no works shall commence on site until details of the spine road layout within the development and linking the development to the A472 and to Gellideg Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, sections, street lighting and surface water drainage details, and make provision for an appropriately signed 3m wide combined footway and cycleway link from the A472 and a traffic calming scheme. The approved details of the spine road layout shall be carried out prior to the occupation of any part of the development.
REASON: In the interests of highway safety.
- 08) No dwellings shall be occupied until details of the road layout alterations necessary in conjunction with the proposed closure to vehicular traffic of Gellideg Lane, together with sections, street lighting and surface water drainage details, have been 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 highway safety.
- 09) Notwithstanding the submitted access details, the plans and particulars of the layout submitted in accordance with condition 1 above shall include details (such details to include sections, street lighting and surface water drainage) of the proposed highways providing access from the spine road referred to in Condition 7 to all dwellings. No dwelling shall be occupied until the section of highway linking it to the spine road has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.

- 10) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the buildings when the site is developed.
REASON: In the interests of public health.
- 11) Development shall not commence until the measures in the scheme approved under the terms of Condition 10 above have been implemented.
REASON: In the interests of public health.
- 12) No development shall commence until a detailed engineering scheme for the construction of the access road, showing how the integrity of the Maesycwmmer Closed Landfill Site including the drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
REASON: To prevent pollution.
- 13) Before any soils or hardcore are brought on to site a scheme for its importation and testing for contamination, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 14) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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 they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 15) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above shall include:
(a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
(b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
(c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
(d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree. (In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to at paragraph (a) above.)
(e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
(f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
REASON: In the interests of the visual amenity of the area.
- 16) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above shall include details of the quantity, size, species, position of all

trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. The submitted details shall include a schedule and programme of planting: the approved details and schedule shall be implemented in accordance with the approved programme of planting.

REASON: In the interests of the visual amenity of the area.

- 17) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above, shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at condition 15 above, until they are established.
REASON: In the interests of the visual amenity of the area.
- 18) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above, shall make provision for a Local Equipped Area of Play and a kickabout area: these areas shall be provided in accordance with a programme of implementation to be submitted and approved by the Local Planning Authority before construction works commence.
REASON: To ensure that the development is served by play provision for children.
- 19) Works of site/vegetation clearance associated with the development hereby approved shall not take place during the breeding 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.
- 20) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of vegetation clearance on site, pre-clearance surveys for badgers and birds shall be carried out by a suitably qualified ecological surveyor. A copy of the results of the surveys, together with any necessary protection and mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. These protection and mitigation measures shall be implemented as approved.
REASON: To ensure adequate protection to protected species.
- 21) No development or site/vegetation clearance shall take place until an updated bat roost survey has been carried out by a competent ecologist with proven expertise in bat surveying. The results of the survey, together with an updated assessment of the impact of the development on these species and if necessary, details of any proposed remedial measures shall be submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 22) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a

licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

REASON: To ensure adequate protection to protected species.

- 23) No development or site/vegetation clearance shall take place until details of a translocation programme for any reptiles and amphibians found on the site has been submitted to the Local Planning Authority for approval in writing. Details shall include the installation of one way fencing and provision of refuge area, the location to be agreed with the Local Planning Authority. The measures shall be implemented as approved.

REASON: To ensure adequate protection of protected species.

- 24) No development shall take place until a detailed management plan for the retained areas of informal open space, together with a scheme for the long term management of the existing, retained and newly created habitats, has been submitted to and approved in writing by the Local Planning Authority. The management shall be carried out in accordance with the approved management plan.

REASON: To ensure that the open space and habitats are maintained in the interests of visual amenity and nature conservation.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, SP10 and CW4.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0288/FULL 13.04.2012	Mr C Jones 17 Pen-Rhiw Terrace Abercarn Newport NP11 5JU	Erect garage 17 Pen-Rhiw Terrace Abercarn Newport NP11 5JU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Pen-Rhiw Terrace, Abercarn.

House type: Two storey mid-terrace property.

Development: Detached outbuilding. This application is reported to Planning Committee because the applicant is an Officer in the Planning Division.

Dimensions: The proposed outbuilding measures 2.6 metres in width and 5.0 metres in depth, with a height of 2.5 metres to apex ridge level.

Materials: Prefabricated concrete and box profile metal sheet roof.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), and guidance contained within Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY: Planning Policy Wales and TAN12 (Design).

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? No.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

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Extent of advertisement: Two neighbouring properties were consulted and a site notice was posted near the site.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: It is considered that the proposed garage/outbuilding is acceptable in terms of setting, scale and materials, and incorporates an appropriately pitched roof. Given the limited scale of the development, as well as its distance from neighbouring properties, it is not considered that the development will result in an overbearing or overshadowing impact. Conditions will be attached to the permission in the interests of highway safety for rear lane users.

Comments from consultees: The Transportation Engineering Manager raises no objection subject to conditions.

Comments from public: None.

Other material considerations: The application is being reported to Planning Committee as the applicant is a Council Employee.

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 outbuilding sited as shown on the submitted plan, shall be fitted with inward-opening doors or roller shutter, which will not open out over the highway and no doors shall be added or replaced which would open over the highway.
REASON: In the interests of highway safety.

- 03) Unless otherwise agreed in writing with the Local Planning Authority, the garage/outbuilding should be set back not less than 900mm from the site boundary to provide for adequate visibility for vehicles emerging from the garage/outbuilding.
REASON: In the interests of highway safety.
- 04) The required garage/outbuilding apron shall be constructed in materials as approved in writing by the Local Planning Authority before the garage is brought into beneficial use.
REASON: In the interests of highway safety.

Continued.....

Application No. 12/0288/FULL Continued.

Advisory Note(s)

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

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: CW3.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0289/FULL 13.04.2012	Mr P Grimstead 72 Elim Way Pontllanfraith Blackwood NP12 2AB	Replace existing front dormer extension with new and erect dormer extension to rear 72 Elim Way Pontllanfraith Blackwood NP12 2AB

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Elim Way, Pontllanfraith.

House type: Semi-detached dormer bungalow.

Development: Replacement dormer extension to front elevation, and new dormer extension on rear elevation. This application is reported to Planning Committee because the applicant is related to an Officer in the Planning Division.

Dimensions: Each proposed dormer extension measures 6.8 metres in width, 3.3 metres in depth, with a maximum height of 1.9 metres.

Materials: The dormers would be clad with UPVC.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), and guidance contained within Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY: Planning Policy Wales and TAN12 (Design).

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? No.

CONSULTATION

Transportation Engineering Manager - No objection.

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Extent of advertisement: Five neighbouring properties were consulted and a site notice was advertised near the site.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

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

ANALYSIS

Policies: The proposed development should be assessed in terms of its impact on the amenity of adjoining properties, as well as its impact on the visual amenity of the surrounding area. It is considered that given the proposed siting and massing of the development, it will not result in an overbearing or overshadowing impact on adjoining properties.

Although the design of the proposed dormer extensions does not strictly accord with all of the guidelines set out in Guidance Note 4 of Supplementary Planning Guidance LDP7: Householder Developments (Nov. 2010), i.e. based on their massing and design, the proposal should be assessed in relation to the context of the surrounding area.

It is noted that along the northern side of Elim Way, from No. 46 to No. 72, approximately 70% of the properties have existing flat roofed box dormers, either on the front, rear or both roof planes. It is considered that the high percentage of such roof forms, coupled with the existing box dormer on the front elevation of the application property, overcomes the guidance outlined above, as it is considered that the proposed development sits comfortably within the context of the existing streetscene. In light of this, it is not considered that the proposed developments would detract from the visual amenity of the area, and is therefore acceptable in planning terms.

Comments from consultees: The Transportation Engineering Manager raises no objection to the proposal.

The Council's Ecologist provides advice to the developer regarding the potential for bats and birds within the existing roofspace.

Comments from public: Not applicable.

Other material considerations: None.

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.

Advisory Note(s)

Please find attached the comments of The Council's Ecologist that are brought to the applicant's attention.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0354/FULL 09.05.2012	Mrs C Davies 18 Burnet Drive Pontllanfraith Blackwood NP12 2FN	Erect single-storey garden room extension to rear 18 Burnet Drive Pontllanfraith Blackwood NP12 2FN

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Burnet Drive, Pontllanfraith.

House type: Two storey detached property.

Development: Single storey rear extension. This application is reported to Planning Committee because the applicant is an employee of the Council.

Dimensions: The proposed extension measures 4.5 metres in depth, 3.6 metres in width, with a height of 2.4 metres to eaves level and 3.6 metres to ridge level.

Materials: Facing brickwork and concrete roof tiles to match existing dwelling.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY

P/96/0604 - Erect residential development together with appropriate open space - Granted 11.02.98.

P/02/0974 - Erect residential development of 59 dwellings - Granted 16.04.03.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity) and guidance contained within Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY: Planning Policy Wales and TAN12 (Design).

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? No.

CONSULTATION

Dwr Cymru - Provides advice to the developer regarding public sewers in the area.

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Extent of advertisement: Three neighbouring properties were consulted and a site notice was placed onsite.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposed development should be assessed in terms of its design, and its impact on the amenity of neighbouring properties. In terms of the design of the proposal, it is considered that the proposed single storey rear extension has been well designed in terms of its setting, scale, and materials, and will integrate with the host building.

In terms of the impact on the amenity of neighbouring properties guidance in Supplementary Planning Guidance LDP7 'Householder Development' states:

"Extensions and conservatories should not cast large shadows onto neighbour's houses or gardens. As a general rule single storey extensions near to a ground floor window of any principal room in an adjoining property, should be no longer than 4 m, whilst two-storey extensions in the same circumstances should be no longer than 2 metres.

A 'principal room' can be defined as one of the main rooms of a house, such as a living room, main bedroom and dining room.

Unless the context allows otherwise, those dimensions could be increased to a maximum of 6m and 4m respectively, where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property, and it would not have an overbearing effect or an adverse impact on outlook."

There is a neighbouring dwelling to the north west of the application site at a slightly higher level. The proposed extension is set approximately 1 metre off the boundary with this

neighbouring property, with a 2.0 metre high close boarded fence defining the boundary. Given the slight levels difference, as well as the existing boundary treatment, it is not considered that the proposed extension would result in an unacceptable overbearing or overshadowing impact on the neighbouring property to a degree to warrant a refusal of planning permission. The potential impact is further softened due to the open aspect of the rear gardens of the application and adjoining property.

Comments from consultees: Welsh Water provides advice to the applicant regarding the possibility of public sewers crossing the application site.

Comments from public: None.

Other material considerations: None.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area.

Advisory Note(s)

Please find attached the comments of Welsh Water that are brought to the applicant's attention.

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: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0381/RET 18.05.2012	Halo Developments Ltd Mr P Angell High Street Blackwood NP12 1BA	Retain the restoration and refurbishment of existing buildings including the retention of works undertaken to date and the continuation of established uses, to include a retail shop unit, vehicle repairs and maintenance, car sales, storage and new toilet facilities; demolish existing canopy Park Service Station Bedwellty Road Cefn Fforest

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Park Garage Service Station is on the western side of Bedwellty Road, opposite the junction with Greenwood Road, at Cefn Fforest.

Site description: The site is the location of a former petrol filling station and shop that has also included some car repair and car sales uses. The site has been refurbished in the manner described below. Residential detached dwellings are located to the south of the site and semi-detached dwellings are located opposite the site. Allotments and playing fields are located to the rear (west) of the site, and Public Footpath No. 57 abuts the northern boundary of the site beyond which is open land.

Development: Full planning permission is sought to retain the restoration and refurbishment of existing buildings including the retention of works undertaken to date and the continuation of established uses, to include a retail shop unit, vehicle repairs and maintenance, car sales, storage and new toilet facilities, and to demolish the existing petrol filling station canopy.

The works carried out and the proposed revisions are as follows. The existing shop has been refurbished and clad with corrugated metal sheeting. The accommodation includes a shop and store, with a separate office for the car sales. It is intended to replace the sheeting with a render finish. To the rear of the shop, storage and vehicle maintenance facilities have been largely rebuilt with a higher roof and finished in corrugated metal sheeting with bare blockwork at the rear facing the allotments. There are three vehicle service doors in the southern elevation facing in towards the site. It is intended to replace one of those doors with a personnel door. Tree planting would be carried out along the northern boundary to screen the building.

A separate building has been erected in the southwest corner of the site, which provides two lock-up units, and four toilets, including one for people with a disability. The building is

finished in metal cladding and bare blockwork, and it is intended to remove the cladding to the rear of the adjacent house and rendering/finish subject to agreement of householder.

As well as removing the canopy and central pump island it is proposed to set the existing two metre high metal mesh security fencing which is on the front boundary back into the site so that it lines up with the front of the shop, and runs along the northern boundary.

Five parking spaces would be provided along the frontage for shop customers, three spaces would be provided within the yard behind the fence, and six spaces would be provided for the car sales adjacent to the southern boundary of the site.

A former unauthorised car wash at the site has now ceased, and it is not proposed to revive it.

The following limitations are proposed. Vehicle repairs/maintenance would take place between 0800 and 1800 Monday to Friday; 0800 to 1300 on Saturday, with no opening on Sunday. The storage area within the main building would be ancillary to the shop or the vehicle maintenance and would not be used for vehicle repairs/maintenance. The lock-up garages would be for private storage only, i.e. not for commercial purposes and not for repairs or any operation other than storage. No deliveries would be undertaken by articulated vehicles to the car maintenance, retail and ancillary storage premises, or to the lock-ups. There would be no external storage associated with any of the uses. Should it be considered necessary the applicant is willing to accept a temporary 2-year consent of the car sales operation to allow the re-evaluation of parking/ circulation on the site at the end of that period.

The hours of opening in respect of the shop are indicated to be 0700 hours to 2200 hours Monday to Friday, 0700 hours to 2200 hours on Saturdays, and 0800 hours to 2100 hours Sundays.

Dimensions: The site has an area of 0.1 hectares. The main building accommodating the shop, store, office, and vehicles maintenance has a footprint with maximum dimensions of 20.8m by 13.2m by 4m high. The lock-up building, which includes the toilets has a footprint with maximum dimensions of 14.7m by 6.5m by 2.9m high.

PLANNING HISTORY

11/0244/FULL - Restore and refurbish existing buildings, including the retention of works undertaken to date and the continuation of established uses, including a retail shop unit, vehicle repairs and maintenance, car sales and vehicle washing facilities and construct new toilet facilities - Appeal for non-determination - Appeal Dismissed.

09/0022/FULL- Decommission existing petrol tanks, with complete removal of all petrol pumps and overhead canopy, demolish existing convenience store and re-develop site to provide a new larger store with ancillary car parking - Granted 08.06.09.

P/98/0933 - Change of use to minibus operating centre, workshop and stores, in respect of PSV vehicles - Refused 17.02.99.

2/11840 - Erection of a Free Standing Forecourt Canopy, Over Existing Pump Island, for Customer Weather Protection and Better Lighting for Improved Sight Safety - Granted 03.06.94.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement envelope. The land to the west is within a green wedge.

Policies: The following policies are of relevance to the determination of this application.

CW2 Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A There is no unacceptable impact on the amenity of adjacent properties or land
- B The proposal would not result in over-development of the site and /or its surroundings
- C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use
- D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

CW3 Development proposals must satisfy the following highways requirements:

- A The proposal has regard for the safe, effective, and efficient use of the transportation network
- B The proposal ensures that new access roads within development proposals are designed to a standard that:
 - i Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
 - ii Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve
- C Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008
- D Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity.

CW15 Development proposals will be considered against the following criteria, where they apply:

- A Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use
- B Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located, and
- C Outside settlement boundaries proposals will not be permitted unless the proposed development is either:
 - i Associated with either agriculture, forestry or the winning and working of minerals or

- ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
- iii For recreation, leisure and tourism proposals that are suitable in a countryside location or
- iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or
- v Associated with the reclamation / treatment of derelict or contaminated land.

NATIONAL POLICY

Planning Policy Wales (2011) states at paragraph 7.6.1 that:

"In determining planning applications for industrial and commercial uses, local planning authorities should have regard to:

- the impact of the development on the environment and local amenity (in terms of, for example, its scale and design, use of materials and natural resources, impact on landscape and wildlife, and its contribution to the generation of traffic and waste, noise and odour, emissions to air, water and soil, and its impacts on community safety and health);
- ways to avoid, mitigate or compensate for negative environmental impacts, including the impacts of climate change;
- accessibility by a range of different transport modes;
- the possible need for, and scale of, transport and other infrastructure changes required to enable development to occur;
- proximity to, and compatibility (in terms of nature and scale) with, residential areas;
- compatibility with existing industrial and commercial activities;
- whether the intensification of industrial / commercial use is appropriate; and
- opportunities to encourage developments involving co-location deploying waste stream technology or practices, innovative business or technology clusters, sustainable energy and developments in social economy."

It continues at paragraph 7.6.2:

"Where applications are considered for business development in primarily residential areas particular care should be taken to safeguard residential amenity, especially where there is potential for noise and/or traffic disturbance. Planning conditions may be used to control, for example, times of operation in order to protect amenity."

With regard to noise, the document states at paragraph 13.5.1 that:

"Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer."

Technical Advice Note (TAN) 11 gives further guidance on that matter, whilst TAN 12 considers matters of design and states at paragraph 2.6:

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

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? No.

CONSULTATION

Head Of Public Protection - shares the concerns about the impact of noise expressed by the Inspector who considered the last application.

Minerals Officer - No objection.

Environment Agency (Wales) - No comment.

ADVERTISEMENT

Extent of advertisement: The application was advertised by consulting ten neighbouring properties, and posting a notice near the site.

Response: Two letters of objection have been received.

Summary of observations: The basis of the objections is as follows:

- the impact of the unsightly buildings on the rear gardens of the neighbouring houses
- that impact is aggravated by the signage
- the previous buildings were not as high
- noise from the tyre bay
- the storage of tyres may be a fire hazard
- there is concern that the site could be used for the repair of motorcycles which would cause an unbearable noise
- a large lorry delivering to the site manoeuvred very close to the neighbour's wall, blocked the road and the junction with Greenwood Road, and caused trouble to other traffic
- the provision of an alcohol licence at the shop and its hours of opening are questioned.

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? The development and uses in themselves do not raise any concerns in this respect, but should permission be granted, the applicant would be advised to contact the Police to discuss Secure by Design principles for incorporation into the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: In terms of the policies quoted above, the following are the main issues that require further consideration: the effect of the development on the character and appearance of the area, its effect on residential amenity, and the adequacy of the development in highway terms. Before considering those issues in some detail the planning history of the site should be set out. The use of this site as a petrol filling station existed from at least 1968, when the installation of two self-service petrol pumps was granted planning approval (Ref: 2053) by the then Monmouthshire County Council. A conditional consent granted in 1971 approved the layout of part of the existing petrol filling station and garage for the sale of cars (Ref: 2416). A further conditional consent for the sale of cars (restricted to 12 in total) and service station was granted in 1984. The erection of a freestanding forecourt canopy over existing pump island was granted in 1994 (Ref: 2/11840).

An approval for the 'Decommissioning of the existing tanks, with complete removal of all petrol pumps and overhead canopy, demolish existing convenience store and re-develop site to provide a new larger store with ancillary car parking' was granted in June 2009 (Ref: 09/0022), but was not implemented. Consequently in planning terms the primary use of the site at that time was considered to be a petrol filling station with ancillary shop, vehicle repairs and car sales i.e. a mixed use, amounting to a sui generis use in planning terms. However, Park Service Station ceased to be licensed for the storage of petroleum spirit on 31st December 2008. On or around that time the tanks were temporarily decommissioned with a water seal. The petrol pumps have also been removed, and the site has not operated as a petrol filling station since that time, notwithstanding that the shop use, car sales and vehicle repairs may have continued.

The premises were confirmed unoccupied by this council's Business Rates Officer on the May 2010. In March 2011, the 4 underground petrol tanks at the site were filled with foam. This is an approved method of rendering underground fuel tanks, which are to remain in situ, permanently safe.

In 2011 it came to the Council's attention that unauthorised development was being carried out at the site including the refurbishment of existing buildings, the erection of new buildings and fencing, and an unauthorised car wash. An application to retain that development was submitted in March 2011 (ref. 11/0244) but the applicants appealed to The Planning Inspectorate against non-determination because the Council failed to make a decision within eight weeks of receipt of the proposal. The Council advised the Inspectorate that if it had been in a position to make a decision it would have refused planning permission for the following reasons:

- 01) The Design and Access Statement, which accompanies the planning application does not address movement to, from and within the site; fails to demonstrate the policy or approach adopted in relation to both design and access; and also fails to sufficiently demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account.
- 02) The applicant has failed to provide details of the proposed parking and servicing provision (both operational and non-operational) for each of the uses

- at the site. In the absence of adequate off street parking facilities and loading/servicing facilities the development would generate on street parking to the detriment of highway safety in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and national planning guidance.
- 03) The existing access points lack adequate visibility for vehicles emerging from the site, as a result of the recently erected fences, which will create hazards to the detriment of highway safety and in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and national planning guidance.
 - 04) The applicant has failed to provide safe pedestrian routes within the site, which segregates pedestrian users from vehicles. Given the intensification of the mixed use of the site, the proposed development will give rise to conflict between pedestrians and vehicles to the detriment of highway safety in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and national planning guidance.
 - 05) It is considered that a material change in the use of the site has occurred which will result in an increase in activity on such a scale and of such a nature as to affect the amenity of the occupiers of neighbouring residential properties by reason of noise and disturbance arising from the normal operation of a car wash and valeting service and vehicle repair/maintenance garage contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and national planning guidance.
 - 06) The proposed development does not achieve a high standard of design by the use of inappropriate external materials in the finishes of the buildings and the erection of a 2m high mesh fencing boundary treatment. The development fails to enhance the character and quality of the area and is unsympathetic to the setting of the development located in a prominent position on the edge of a settlement and adjacent to the Aberbargoed, Cefn Fforest and Pengam Green Wedge in conflict with Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 together with national planning guidance.

The appeal was dismissed, and the inspector made the following comments:

"15. The combination of design, materials and height is unsympathetic to, and inconsistent with, the character of the immediate area. Similarly, the current colour scheme further emphasises the metal panels, giving them the appearance of an industrial area. Notwithstanding this, I also consider that because of the design, scale and materials of the development, changing the colour scheme would not present any significant benefits or reduce the amount of harm. Overall it presents a prominent and inconsistent element that is significantly out of character with the area. It also has a harmful impact on the setting of the adjacent Green Wedge for the same reasons.

16. I acknowledge that the existing buildings broadly follow the footprint of the previous buildings. Even so, photographic evidence shows that they differ significantly in mass, scale and outward appearance. Similarly, and for the same reasons, the existing development also has a significantly more harmful appearance than the fall back position.

17. Other activity, such as the tyre bay, is located towards the back of the site but would introduce additional noise and disturbance. The sudden, impulsive quality of these types of noises and the irregularity of their occurrence would increase their impact.

18. The properties across the road from the appeal site and to the south are in close proximity to these sources of noise and disturbance. In the absence of an assessment of the noise levels from the site or likely mitigation measures I conclude that the living conditions of the residents of these properties are likely to be harmed by noise and disturbance as a result of this proximity. Because of the nature and intensification of this activity and the hiatus between previous uses and the current uses it is also likely that these are perceived as new sources of noise and disturbance, thus increasing their impact further. The fall back position would not include for such harmful activity, or of noise and disturbance to the same degree.

19. For these reason I consider that the proposal conflicts with policy CW3 of the Caerphilly County Borough Local Development Plan (LDP) and national guidance contained within Planning Policy Wales, Technical Advice Note 11 - Noise, and Technical Advice Note 12 - Design.

20. The metal fence does compromise visibility at the site access. However I consider that if this fencing on the site boundary closest to the road were set back then adequate visibility could be attained. This could be achieved through the imposition of a condition.

21. There is a lack of demarcation between parking circulation spaces and pedestrian zones within the site. However, bearing in mind that vehicle speeds are necessarily going to be relatively low and that visibility across the site is reasonably good I consider that this would not lead to significant conflict so as to harm road safety. Similarly whilst the provision of parking spaces is lower than the development plan would suggest was adequate, there are opportunities for parking nearby. During my visit the surrounding streets seem to have additional capacity for on street parking and there is informal parking to the north of the site.

I acknowledge that my visit was for a short time only but I observed the area at two different times of the day and I have no reason to suppose that this wasn't typical of the area at other times. Consequently, I consider that the proposal would not give rise to significant risk to road safety contrary to LDP policy CW3. This does not undermine my previous conclusions."

Following the receipt of the decision officers sought to negotiate a solution with the applicants and suggested the following changes in order to make the scheme more acceptable on the basis of their concerns and those expressed by the Inspector:

- the removal of the two lock up garages to enable the proper operation of the site in respect of the vehicle repair use, car sales and shop use to meet highway concerns, and in interests of the amenity of the neighbours from noise and visual amenity points of view
- the number of vehicular accesses into the maintenance unit should be reduced to one roller shutter door with additional personnel doors as required to mitigate the noise nuisance that is likely to occur from the use of equipment associated with the tyre fitting operation and in turn limit the extent of the open side use of this area of the site

- the rendering of the main building and the introduction of landscaping along the northern boundary.

Starting with the impact of the development on the character and appearance of the area, the removal of the canopy and the central pump island, the setting back of the fence, and the landscaping are welcomed. However, whereas previously the building at the site had an almost domestic scale appropriate to this predominantly residential area, it now has a far more commercial and industrial appearance. That could be mitigated by the rendering of the whole of the main building, lowering the roof of the maintenance element of that building and the removal of the lock-up building, which would also improve the visual amenity of the neighbouring house.

Previously, the site had been used as a petrol filling station, with a shop, car repair garage, car sales, and jet wash. The scale of those uses was limited due to the size and condition of the buildings, and the way the previous owner operated his businesses. The refurbishment of the site, along with the erection of the lock-up building has significantly changed the quality and amount of the accommodation available for the individually run businesses at the site, resulting in the potential intensification of the impact on the neighbouring houses. The Inspector considering the appeal was clearly concerned about the impact of noise.

There are three roller shutter vehicle access doors in the southern side of the main building. These should be reduced to one, to limit the scale of vehicle repair at the site to that similar to the previous use. The remaining two bays could be used for ancillary storage, and the lock-up and toilet facilities currently provided in the new building.

Five parking spaces are provided at the front of the site for customers, which could be occupied by visitors to the shop, or the car sales. Only three spaces are provided for the other uses at the site, and in a very unsatisfactory manner, with those spaces shown against the doors to the car sales office, the ancillary storage unit, and the toilets respectively. There is no clearly defined turning area within the compound.

The parking standards require the provision of five spaces for the vehicle maintenance bays. As well as visitor spaces, the car sales require the provision of a space for a car transporter. There is no separate provision on site for a transporter, but bearing in mind that planning permission has previously been granted for car sales at this site, it would not be reasonable to object on that issue alone. However, the current proposed arrangement could cause congestion on- and off-site especially if a transporter were to visit the premises. The lock-ups, would require at least a space in front of each one to allow the occupiers easy access to their individual unit without any conflict with the other uses at the site, but as currently configured, the site layout does not provide those spaces, and there is no room to do so. The removal of the lock-up building would allow the site to better accommodate the remaining uses.

The site as proposed would be congested, making manoeuvring difficult, with reversing movements in particular affecting the safety of pedestrians at the site.

Comments from Consultees: The comments of the Transportation Planning Manager are considered above, and there are no other comments that require further consideration.

Comments from public: The comments of the neighbouring residents summarised above are considered in turn below.

- the impact of the unsightly buildings on the rear gardens of the neighbouring houses – the removal of the lock-up building would address this concern.
- that impact is aggravated by the signage – in itself, the impact of the remaining signage is not so significant bearing in mind the long established use of the site, and proposed removal of the canopy. However, the lowering of the roof of the maintenance building would also reduce the impact of any attached signage.
- the previous buildings were not as high – that is certainly the case, and their impact should be mitigated by the lowering of the roof of the maintenance building and the use of more sympathetic materials.
- noise from the tyre bay – the site has been used for vehicle repair in the past, but the scale of the use should be limited to a single bay in the main building.
- the storage of tyres may be a fire hazard – this would be controlled under other legislation, and the applicants have agreed to a condition restricting external storage.
- there is concern that the site could be used for the repair of motorcycles, which would cause an unbearable noise – the previous vehicle repair use at the site was not limited to cars.
- a large lorry delivering to the site manoeuvred very close to the neighbour's wall, blocked the road and the junction with Greenwood Road, and caused trouble to other traffic – setting aside the lack of dedicated turning facilities within the compound, if approved, a condition could be imposed to control the size of delivery vehicles, although it may be unreasonable to prevent transporter vehicles for the car sales.
- the provision of an alcohol licence at the shop and its hours of opening are questioned – this matter cannot be controlled under planning legislation.

Other material considerations: The applicant has offered that the car sales could be limited to a two-year period to allow the impact to be reviewed. However, that would only address a small part of the Local Planning Authority and Inspector's concerns.

RECOMMENDATION that Permission be REFUSED

This reason(s) for the Council's decision is/are:-

- 01) The parking standards are set out in the Local Planning Authority's adopted supplementary planning guidance entitled LDP5 - Car Parking Standards. The proposed parking provision is inadequate in that an insufficient number is provided for the vehicle maintenance facility, none are provided for the lock-up units, and the layout of the site as proposed could cause congestion on-and off-site particularly when deliveries are made to the site on when a car transporter associated with the car sales visits the premises. Furthermore, there is no clearly defined manoeuvring and turning area, or pedestrian walkways. In the absence of adequate off-street parking, and turning facilities the development would generate on-street parking, and congestion on site and in the highway to the detriment of highway safety in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) The combination and scale of activities at the site - shop, car sales, vehicle maintenance and lock-up units - will have a detrimental effect on the amenity of the occupiers of neighbouring residential properties by reason of noise and disturbance contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and national policy set out in Planning Policy Wales (2011),

- 03) The proposed development would be detrimental to the visual amenity of the area because of its design, scale and materials and would therefore be contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and national policy set out in Planning Policy Wales (2011) and Technical Advice Note 12 Design.
 - 04) The proximity of the lock-up building to the neighbouring residential property would be detrimental to the residential amenity of the occupiers of that dwelling because of its scale, design and materials and would therefore be contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
-