

PLANNING COMMITTEE

15TH AUGUST 2012

**PLANNING APPLICATIONS UNDER THE
TOWN AND COUNTRY PLANNING ACT 1990
AND ASSOCIATED LEGISLATION**

**APPLICATION
NUMBER**

LOCATION

12/0218/FULL

10 Kingswood Close, Hengoed, CF82 7LU

12/0343/FULL

Land Off The Bryn, (Via Old Newport Road), Bedwas, Caerphilly

12/0473/COU

The Old Quarry, Cemetery Road, Abercarn, Newport

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0218/FULL 02.04.2012	Mr M Lewis C/o Mr K Assender 9 St Cenydd Close Pontllanfraith Blackwood NP12 2FG	Convert garage 10 Kingswood Close Hengoed CF82 7LU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the western side of Kingswood Close.

House type: The application property is a detached domestic dwelling that is three storeys high and has an integral garage on the ground floor. The dwelling is finished in face brickwork with stone quoins and a tiled roof. The whole of the front garden of the property is hard surfaced to provide off-street car parking.

Development: The proposal seeks full planning consent for the conversion of the garage into a living room. The existing garage door would be replaced with a window.

Materials: To match the host dwelling.

Ancillary development, e.g. parking: None

PLANNING HISTORY

5/5/89/0521 - Erect 8 dwellings - Granted 29.09.1989.

5/5/92/0277 - Erect residential development - Granted 19.06.1992.

P/04/1363 - Erect three new three storey dwellings - Granted 29.10.2004.

P/06/0481 - Fell Tree - Granted 25.05.2006.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.10.9 of Planning Policy Wales (2010) 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."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Transportation Engineering Manager - No objection.

Gelligaer Community Council - No objection on the proviso that the space lost through the garage conversion is replaced with off-street parking.

ADVERTISEMENT

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

Response: Two letters of objection were received from local residents.

Summary of observations:

- 1 The property is no longer used as a dwelling but is in fact a home for people with learning difficulties,
- 2 Management of the home is poor such that the residents regularly behave in an anti-social way causing the police to become involved,
- 3 The creation of an extra bedroom in the home would only exacerbate these problems,
- 4 Lack of adequate off-street car parking.

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? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are the effect of the garage conversion on the character of the host dwelling and whether sufficient off-street car parking is provided. With regard to the first point it should be noted that the garage doors are to be replaced with a window to match the main dwelling and as such it is not felt that there would be any detrimental impact on visual amenity. With regard to off-street parking it is noted that the whole frontage of the site is given over to car parking and therefore adequate off-street parking is provided.

Comments from consultees: No objections raised.

Comments from public: The comments raised by local residents relating to the use of the site have been investigated and it is considered that as there is a maximum of six persons living at the property as a single household there has not been any change of use. As a result the issues raised have no bearing on the determination of this application as it merely seeks to provide additional accommodation within an established residential property and any issues of anti-social behaviour are more properly dealt with by the Police.

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.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0343/FULL 03.05.2012	Grwp Gwalia C/o Nathaniel Lichfield & Partners Mr C Kosaner Helmont House Churchill Way Cardiff CF10 2HE	Demolish existing garage/service building and erect independent hospital, landscaping and associated infrastructure works Land Off The Bryn (Via Old Newport Road) Bedwas Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: This application is for the redevelopment of part of the former C.A.T.S. transport site which fronts onto The Bryn, in Bedwas. The site is located fairly centrally in the Bedwas area.

Site description: The application site is roughly rectangular in shape, and is bounded to the north by a Surgery, to the south by a social club and Transport Depot. To the east is a bowling green and clubhouse, and to the west runs The Bryn, on the other side of which stands a small development designed as older persons' bungalows.

The site is itself relatively flat, however the social club is approximately two metres higher along the boundary with the site. This adjoining land is retained by a substantial wall designed for that purpose.

The area was previously occupied by three large maintenance buildings related to the transport operation based at the site. Two of these have now been demolished with the result that the site is currently in a semi-cleared state.

Development: The current proposal is for the removal of the remaining maintenance building and the re-development of the site by the construction of mixture of a single and two-storey building. The two-storey element faces onto The Bryn, to the east, and partly towards the Health Centre, to the north. Whilst the single-storey element is located behind this and wraps around the majority of the north and west boundaries to form a relatively large south facing private courtyard for residents and staff.

The building therefore surrounds the courtyard on three sides. Two of the "arms" of the building forming this courtyard have pitched roofs, whilst the third (being the south facing one) has a flat roof upon which are located a number of rows of photovoltaic panels. This flat roofed area faces north towards the health centre and cannot be readily seen from the public highway.

The elevation facing The Bryn is set back from the footpath to allow car parking and an element of landscaping to be provided for. The boundary of the site on this side is marked by a 1.4 metre high enclosure comprising a wall topped with metal railings.

The ground floor comprises seven bedsits, living, dining and kitchen rooms, along with a range of offices and consulting and meeting rooms. There are also various plant rooms and storage areas sited on this level.

The first floor contains nine bedsits, an activity room and a staff office.

The application is accompanied by supporting information relating to the use and function of the hospital, which deals with women who have an "enduring" mental health support need. Detail is provided in respect to the relationship of this application with this Council's Community Strategy and also its Health, Social Care and Well Being Strategy. These, the applicant contends, supports one of the main aims of this development, which is to integrate such facilities into the community.

The applicant also stresses the point that both they (i.e. Grwp Gwalia, who will develop the proposal) and Turning Point (who will be responsible for running it day to day) are both "Third Sector Organisations" who operate on a not-for-profit basis.

Dimensions: The site area comprises a total of 0.32 Hectares. The building will provide for a gross internal floor area of 1,260 square metres. The two-storey pitched roof element of the building which fronts onto The Bryn measures 12 metres to the apex of the roof, whilst the flat roof single-storey section measures approximately 8 metres in height.

Materials: The walls are to be finished in facing brick with timber detailing. Whilst the pitched roofs are to be covered in seamed zinc.

Ancillary development, e.g. parking: The staff parking area shows 13 spaces, 1 of which is for disabled use. The application forms also indicate 8 bicycle spaces will be provided.

PLANNING HISTORY

07/1354/OUT - Redevelop site for residential purposes - Granted 11.03.11.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement limit identified in the plan, however it is not allocated for a defined land use.

Policies: The policies of relevance to this proposal are as follows:

1. SP 3 - Development Strategy in the Southern Connections Corridor.
2. CW 15 - General Locational Constraints.
3. CW 2 - Amenity.
4. CW 3 - Design Considerations - Highways.

NATIONAL POLICY National Planning Guidance is set out in Planning Policy Wales (Edition 4, Feb. 2011).

Also of relevance are the following Technical Advice Notes:
TAN 12, Design.
TAN 22, Planning for Sustainable Buildings.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? The application was not required to be screened for an EIA as the area of the application was below the threshold of 0.5 Hectares.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes.

CONSULTATION

The Coal Authority - comments that the proposal falls within the defined Coal Mining Development Referral Area. This means that within the site and the surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this application. On the basis of the original information provided in this regard the Coal Authority objected to the proposal. The applicant therefore submitted further information, which that Authority is now satisfied with and as a result the objection has been removed.

Conservation & Design Officer - comments on the proximity of the Listed Bedwas Workman's Institute and requests that this be considered as part of the application process.

Countryside and Landscape Services - With regard to wildlife conservation interests a Bat Survey was not required however it is recommended that an advisory note be sent out with any consent granted regarding Bats and Birds.

Bedwas, Trethomas & Machen Community Council - raises "strong objections" to the application on the basis that this is not an appropriate location for this development.

Dwr Cymru - raises no objection to the application but makes a number of detailed drainage comments that are required to either be conditioned or passed on by way of written advice to the applicant.

Senior Engineer (Land Drainage) - raises no objection to the application but requires a condition to be imposed, which addresses the surface water arrangements to serve the site. Other drainage matters are also referred to and these need to be forwarded to the applicant by way of written advice.

Head Of Public Protection - does not object to the application subject to a range of conditions being imposed relating to matters including the treatment of site contamination, odour and dust control, and the provision of noise mitigation measures during demolition and construction.

Transportation Engineering Manager - after discussing a number of issues relating to the level of car-parking and the terms of the Travel Plan, is now satisfied that the application is

acceptable subject to conditions relating to parking and cycle spaces, vision splays, materials and a revised Travel Plan.

Wales & West Utilities - has not commented on this application.

Western Power Distribution - has made no comment on this proposal.

Police Architectural Liaison Officer - has no objection to this application. Discussions are being undertaken between the police and the developer to ensure that the building will achieve the standard for the full "Secured by Design" award for hospitals.

Head Of Public Services - has made no comment on this proposal

CCBC Housing Enabling Officer - raises no objection to the application as strictly it does not refer to housing accommodation.

Social Services (Mental Health, Adult Services) - comments that whilst there may be no outstanding need for this type of service in the Borough there may still be some need for this level of service. As a result women from across Wales are likely to be accommodated there.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of site and press notices and 16 direct neighbour consultation letters.

Response: The response to this consultation exercise was the submission of three letters of objection.

Summary of observations: The basis of the objections submitted are as follows:

1. The hospital will be sited next to pensioners' homes; a school and a children's play area;
2. Why are women from outside the area being imported into Bedwas, whilst local people are not allowed to be referred to "Cardiff/UHW Heath Cardiff"
3. Are the patients a "danger to locals?"
4. The hospital is a private facility and does not have the same degree of accountability that an NHS hospital would have.
5. The location of this facility is totally inappropriate in this well developed area of Bedwas.

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 determination of this application will be detrimental to the issues of crime and disorder in this area. Gwent Police have been consulted on the proposal and raise no objection to it. They have already commenced discussions with the applicant's agent in respect to achieving a "Secured By Design" award for hospitals 2005.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The County Ecologist has considered the matter in respect to the available biodiversity records and considers that the matter can proceed on the basis of the information submitted.

ANALYSIS

Policies: Policy SP3 relates to the development strategy in the southern connections corridor. This contains a number of criteria, some of which are pertinent to the consideration of this site. These are as follows;

- A Uses previously developed land within settlement limits,
- C Makes the most efficient use of the existing infrastructure.
- D Has regard to the social and economic function of the area.

The current proposal will result in the remediation of the former Transport Depot by its redevelopment for the hospital and is well located in regard to the transport and drainage infrastructure links. It also has an impact on the economic function of the locality as it will employ 45 members of staff and will also be an important element of community life by allowing residents with mental health issues to be re-integrated into the local society.

As such it is considered that the proposal accords with this policy.

Turning to Policy CW 15 (General Locational Constraints), this also has criteria of relevance. These are as follows;

- 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

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- B. Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located.

With regard to the former it is considered that the current proposal can be undertaken without prejudicing wider development or constraining the activities/operations being undertaken on adjacent land. This criterion is therefore complied with.

In respect to the latter requirement the small hospital facility proposed is considered to complement the role and function of the settlement in terms of its scale and purpose. As such this criterion is also considered to be satisfied.

Policy CW2 requires development to pay regard to 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 overdevelopment 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.

With regard to the first of these the site is surrounded to the north, south and west by various commercial and leisure uses the impact of the current proposal on the amenity of these uses are considered to be of an acceptable level. There is a large Listed Building (i.e. Bedwas Workman's Institute) located to the south-west of the site. This building does not share a boundary with the site and fronts onto Newport Road, as opposed to The Bryn. In the circumstances it is not considered that the hospital affects the Institute, or its setting in a detrimental way.

The design and appearance of the hospital is well considered in respect to the layout, scale and massing and this also is considered of an acceptable standard in respect to its own site and that of the surrounding land-uses.

The issue of overdevelopment is not relevant as the building covers less than a third of the site area and is also of a scale, which reflects that of its surroundings.

With regard to the proposed use, the applicant has provided information, which indicates that the use of the hospital is one that falls within Class C2 of the Town and Country (Use Classes) Order. This covers uses such as residential care homes, hospitals, nursing homes etc. In doing this they seek to draw a distinction between this class and the relatively recently defined Class C2A, which covers secure residential accommodation, including prisons, secure hospitals etc.

The following statement is provided by Turning Point, who will run the facility;

"The service will be a 16 bed Mental Health Independent Hospital. The client group is expected to be female, aged 18-65, who are currently receiving support to manage their mental health but are not required to reside in a secure hospital setting. The purpose of the unit will be to provide community based rehabilitation that will mainly focus on improving 'activities of daily living'. This is aided by the provision of individual bedsits. There will be a 24 hour staffed presence. There will be a mixture of Nursing staff and support workers".

The intent of the hospital is to integrate the residents into the community. No resident will live at the site for longer than 2 years and during that time it is indicated that residents will move within the community, as they are not required to be contained in secure accommodation.

It is on this basis that it is accepted that the operation falls within Class C2 and is one that complies with criterion C of policy CW2. If members approve this application a condition could be imposed restricting the activity to this Class.

Turning Point also indicate that they operate two similar hospitals in Yorkshire and have also obtained planning permission for two further hospitals in Derbyshire, all of which have been granted planning consent under Class C2.

Criterion D refers to new residential development and is not strictly relevant in this instance. As such the requirements of this policy are satisfied.

The final Local Development Plan policy refers to CW3 (Design Considerations - Highways). The applicant has submitted a Highways Statement, including a Travel Plan, to address the issues contained in this policy. These include matters such as adequate parking provision and the safe, efficient and effective use of the transportation network. The Transport Engineering Manager has considered the information provided and, subject to the use of conditions, considers that the highway safety issues can be adequately dealt with.

In the circumstances there are no LDP policy objections to this proposal.

In terms of National Guidance and the Technical Advice Notes of particular relevance are TAN 12 - Design and TAN 22 - Planning for Sustainable Buildings. The former's objective is in achieving good design solutions. In this respect the submission was accompanied by a Design and Access Statement prepared in accordance with the guidance contained in this TAN. It is considered that the solution arrived at is acceptable in this regard.

The design discussions for the building, undertaken by the applicant, included a requirement for it to be a sustainable structure and have a BREEAM rating of excellent. In this respect a BREEAM pre-assessment was submitted with the application. This document was prepared in the light of the advice contained in TAN 22 (Planning for Sustainable Buildings). In the circumstances the proposal has been designed on this basis and accords with the necessary advice.

There are considered to be no policy objections to this development.

Comments from Consultees: None of the Consultees have raised objection sufficient to sustain a reason for refusal. A number do however make comments, which are required to be imposed as conditions attached to any consent granted.

Whilst the Council's Social Services Department comment that it is unlikely that the hospital will be occupied primarily by women from this district, this does not affect the land-use assessment of the development per se. The applicant comments that "future residents will originate from the 3 South Wales LHBs: Aneurin Bevan, Cardiff and Vale, and Cwm Taf". The nomination of residents is however not a matter which can be the subject of control through the planning process.

Comments from public: The responses to the matters raised by members of the public and the Bedwas and Machen Community Council are as follows;

1. The hospital is indeed to be sited within the built up area of Bedwas and Trethomas. It will be in relatively close proximity to other residential properties and existing facilities such as the health centre, the Bowls Club, the Institute and the school etc. There is not considered to be a valid land-use reason to prohibit this location.
2. The geographical make up of residents is not a material planning consideration, neither is the access to particular hospitals for treatment.

3. The residents are people with enduring mental health issues, however this does not make them dangerous. The applicants have indicated that the persons residing there are not required to live in a secure hospital. They may have issues which make dealing with everyday life difficult and consequently need assistance and care in this respect, however the purpose of this hospital, as described in the application, is to assist residents from a position of dependency to one of independence, with the outcome that they can be integrated back into society.
4. The hospital is an independent facility and is separate from the NHS. This fact alone is again not a material planning consideration. Many dentists, nursing and residential homes, and doctors operate outside the NHS. The issue of accountability lies with the relevant Government Departments, Health Boards etc. The applicant has however sought to provide some context in this regard. The following statement is taken from a longer submission regarding their role in the provision of such services.
" Both Gwalia and Turning Point are established providers of accommodation and support for a wide range of vulnerable groups across Wales and the U.K. As Third Sector organisations, both businesses operate on a not-for-profit basis, with voluntary sector ethos and charitable values as part of their constitutions".
5. This location is the one that has been applied for and therefore is the one to be assessed. On the basis of the information submitted with the application, this site is considered to be appropriate in respect to its design and use.

Other material considerations: In support of the application the agent has referred to the role that this Authority, through its strategies on Community and also Health, Social Care and Well-Being, plays in respect to the treatment of adult mental health. They consider that the hospital proposal will play its part in helping to modernise and redesign the service by assisting the recovery of residents by promoting independence and self-management. Whilst these documents are not strictly relevant to land-use issues in a detailed sense, it is acknowledged that this Authority has an extremely important role in respect to mental health care.

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) Prior to the construction of the external surfaces of the development hereby approved details of the materials 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.
- 03) 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.

- 04) The scheme of drainage required in condition 3 above shall include a grease trap. This shall be agreed in writing with the Local Planning Authority as part of the required comprehensive drainage scheme and shall be installed in the foul drainage system prior to the first use of the building hereby approved as a hospital commencing.
REASON: To prevent pollution.
- 05) The premises shall be used for a Hospital and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification without the approval of the Local Planning Authority.
REASON: In the interests of adequate control of the site's use.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 07) 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.
- 08) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 09) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 10) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.

- 11) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 12) The development shall be carried out in accordance with the information contained in the Environmental Noise Impact Assessment (Doc. No, P2005111/ (REP) U001) written by BDP Acoustics dated May 2012 and submitted with the application.
REASON: In the interests of residential amenity.
- 13) As part of the scheme required in condition 3 above the details relating to surface water and land drainage flows from the site, shall demonstrate how they are being dealt with as required by the Flood and Water Management Act 2010.
REASON: To ensure that the site can be adequately drained.
- 14) Prior to the commencement of works on site details shall be submitted to and approved in writing by the Local Planning Authority of 15 off-street parking spaces within the curtilage of the site. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In ensure that adequate parking facilities are provided within the curtilage of the site.
- 15) Prior to work commencing on site the proposed parking area shall be completed in materials as agreed in writing with the Local Planning Authority, to ensure loose stones or mud etc. are not carried on to the public highway. The parking area shall be completed in accordance with this written agreement prior to the use of the hospital commencing.
REASON: In the interests of highway safety.
- 16) The required access, together with vision splays of 2.4m x 33m, 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 use of the hospital commencing.
REASON: In the interests of highway safety.
- 17) Notwithstanding the submitted plans prior to the commencement of work on site revised details of the cycle stand location shall be submitted to and approved in writing by the Local Planning Authority. The stand shall be relocated to the front of the building in a position to be agreed with the Local Planning Authority and be completed prior to beneficial occupation of the hospital first commencing.
REASON: In the interests of highway safety.
- 18) Prior to the development commencing a revised Travel Plan shall be submitted and approved in writing by the Local Planning Authority. Thereafter this agreed Travel Plan shall be implemented within 3 months of occupation of the hospital first commencing.
REASON: In the interests of highway safety.
- 19) Unless otherwise agreed in writing with the Local Planning Authority, each building hereby permitted shall be constructed to achieve a minimum Building Research

Establishment Environmental Assessment Method (BREEAM) overall level 'Very Good' and achieve the mandatory credits for 'Excellent' under issue 'Ene1 - Reduction of CO²', in accordance with the requirements of BREEAM 2008 or any subsequent or equivalent quality assured scheme.

REASON: To comply with the requirements of Ministerial Interim Planning Policy Statement 01/2009 or any statement revoking and re-enacting the Statement in part or in full.

- 20) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work on site an 'Interim Certificate' issued by an accredited body, certifying that the development shall achieve Building Research Establishment Environmental Assessment Method (BREEAM) overall level 'Very Good' and achieve the mandatory credits for 'Excellent' under issue 'Ene1 - Reduction of CO²', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.

REASON: To comply with the requirements of Ministerial Interim Planning Policy Statement 01/2009 or any statement revoking and re-enacting the Statement in part or in full.

- 21) Unless otherwise agreed in writing with the Local Planning Authority, no building hereby permitted shall be occupied until a 'Final Certificate' issued by an accredited body, certifying that the building has achieved Building Research Establishment Environmental Assessment Method (BREEAM) overall level 'Very Good' and achieved the mandatory credits for 'Excellent' under issue 'Ene1 - Reduction of CO²', has been provided to and its receipt acknowledged in writing by the Local Planning Authority.

REASON: To comply with the requirements of Ministerial Interim Planning Policy Statement 01/2009 or any statement revoking and re-enacting the Statement in part or in full.

- 22) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the approved details and timetable.

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

- 23) The development shall be undertaken in accordance with the contents of The Coal Mining Risk Assessment Report, dated the 24th July 2012.

REASON: To address coal mining legacy issues.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Council's Ecologist, Heddlu Gwent Police and 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: SP3, CW2, CW3, CW15.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0473/COU 20.06.2012	D C Griffiths & Sons Ltd C/o The Shell Garage Mr R Griffiths Newbridge By-Pass Crumlin NP11 4QJ	Change use of property from B8 warehousing and storage to a mixed B8 warehousing and storage and B2 general industrial use The Old Quarry Cemetery Road Abercarn Newport NP11 5AQ

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is a former quarry at the bottom of Cemetery Road, Abercarn.

Site description: The site is in commercial use with a warehouse situated in the southern part. That building was used until recently for storing cardboard boxes (B8 use). The northern part of the site has been used as a transport yard/lorry park. There has also been a recent unauthorised use for wood chipping that has now ceased. The former quarry rock face forms its eastern boundaries with Coed Ffordd Fawr, which is a SINC. The entrance and frontage is the western boundary at Cemetery Road close to its junction with the B4591.

Development: The proposed development is a change of use of the northern half of the site to storage and distribution (B8), with the southern half (including the warehouse building) used for general industrial use (B2). The submitted details suggest that the B2 use is for "Lorry and Trailer maintenance and repairs". Revised details have been provided to clarify the boundary with the SINC, parking, screening and an indicative layout that shows caravan storage within the B8 area.

Dimensions: The site has a net useable area of approximately 1 hectare. The gross area of the unit is approximately 1.2 hectare. The existing warehouse building has a footprint of 1400 square metres.

Materials: Not applicable.

Ancillary development, e.g. parking: The layout indicates 16 car parking spaces and 5 trailer parking spaces within the revised B2 area.

PLANNING HISTORY

2/07603 - Sale of re-usable materials. - Granted 30.10.87.

2/07734 - Change of use from industrial to haulage depot and construction of workshop. - Granted 09.10.87.

2/12453 - Construct warehousing facility and associated works - Granted 13.09.95.

P/02/1001 - Develop vacant land to create additional warehouse/office and yard area - Granted 06.12.02.

P/04/1580 - Retain storage of five motor vehicles and caravan in connection with taxi operation - Granted 19.11.04.

11/0353/COU - Retain B8 use and B2 use in respect of the processing of timber waste - Refused 08.09.11.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Unallocated land within the settlement boundary.

Policies: CW2 Amenity,

NATIONAL POLICY Planning Policy Wales 7.6 reflects the amenity requirements of CW2 and specifically explains that employment uses should not have adverse impact in terms of noise, odour and emissions.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - As this proposal does not involve built development this is not a material consideration.

CONSULTATION

Head Of Public Protection - Attention is drawn to the fact that the recent operation of external plant and machinery at this site has given rise to a lot of complaint from near by residential properties. The proposed B2 use within the building may not give rise to the same disturbance but it is important that adequate controls are set in place to ensure that all noise generating activities are restricted to within the building. It is further pointed out that the existing building has a number of large doors that will need to be closed if noise is being generated within the building. In addition if it is necessary to close the building mechanical ventilation is likely to be required and details will need to be agreed. Hours of operation should be required to ensure activity is restricted during antisocial hours. An acoustic report regarding the building has been requested and provided. It is considered satisfactory subject to a further condition restricting noise.

Transportation Engineering Manager - No objection.

Countryside And Landscape Services - A condition is recommended regarding the agreement of protection measure during construction.

Dwr Cymru - No objection is raised and drainage advice is given.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 37 neighbouring properties have been consulted.

Response: Ten letters have been received.

Summary of observations:

- There is objection to any additional B class use.
- The previous unauthorised wood chipping use has caused noise and dust problems therefore there is concern that any further planning permission granted could give rise to a resurgence of those problems or introduce others such as scrap/waste processing.
- The proposed use would affect property values.
- It is claimed that the site is contaminated with radioactive materials and nerve gas.

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: The application site is not an allocated employment site however it is an existing commercial unit and the building within it has an extant planning consent for B8 use (B8 (Storage and Distribution) being one of the proposed uses). It has been in a variety of commercial uses for a significant number of years. Before considering the merits of the proposed change of use with regard to policy it is pertinent to note that a recent unauthorised wooding chipping use has given rise to disturbance to residential properties. Notwithstanding the fact that the site is set within a steep sided former quarry, noise from the crushing and grading machinery has emanated from it causing disturbance to the amenity of some of the closest residential properties and even some at a distance. In view of this history careful consideration of policy CW2 (amenity) is required.

The proposed B2 use is identified as an area around and including the building that currently enjoys planning approval for B8 use. It comprises approximately half the site. Outside the building are a turning area, 16 car parking spaces and 5 lorry trailer spaces. The turning area is currently operational space that serves the same manoeuvring purpose for the existing use of

the site. The trailer parking spaces are in a position that from aerial photograph records also appears to have been used for the parking of trailer bodies for a number of years. The car parking spaces similarly approximate to the previous use of this part of the site. The significant proposed difference in this part of the site will be the change of use of the existing building from storage and distribution (B8) to general industrial (B2) use. The submitted details suggest that the building may be used for lorry and trailer maintenance (or light engineering or fabrication work).

The B2 use class though extends to a wide range of industrial activities that may include the operation of an equally wide range of machinery and processes. It was similar such unauthorised processes and machinery operated outside the building that gave rise to recent complaint. Enclosed within the building and subject to hours of operation, the disturbance from such activity would be much more limited, to the extent that the use should not be contrary to CW2. It is to be noted that an acoustic report regarding the noise attenuation properties of the building has been submitted and considered by the Head of Public Protection - see below

The area for the proposed B8 use is identified as the remaining area of land to the north. An illustrative layout shows it being used for caravan storage. The details also provide sections that show that this part of the site is well screened from Cemetery Road by the contours of the quarry. At the southern end the land is almost level with Cemetery Road (with some tree screening at the boundary) but it quickly rises with an embankment screen of around 9 metres in height. This screening should be adequate for screening caravans in this predominantly residential location. Given that B8 use may extend to the storage of other items it is necessary that a height limit be imposed in the interest of the visual amenity of the area. It is suggested that 4 metres represents reasonable restriction in relation to the details provided. In addition given the recent problems of noise and dust, it is considered prudent that conditions should be imposed for the avoidance of doubt to exclude the storage of waste materials and any external processing or manufacturing.

The site is adjacent to a Site of Importance for Nature Conservation (NH3.129). Revised details have been provided and clarify that the proposed uses do not include the SINC.

Comments from Consultees:

The comments of the Consultees can be accommodated by conditions.

Comments from public:

- The objection to any additional B class use should be founded upon a reasoned planning case. A general blanket objection without such reasoning does not take account of the planning considerations that are required.
- The previous unauthorised wood chipping use has raised legitimate concern regarding the potential impact of any further planning permission granted that potentially could give rise to a resurgence of those problems. The reasoned analysis above addresses the primary issue of noise and conditions that may be imposed to control those concerns.
- The suggestion that proposed use would affect property values is not a material planning consideration.
- It is claimed that the site is contaminated with radioactive materials and nerve gas. This is a very serious allegation that does not affect just the proposed use of the site but

includes the current use or any use and possibly adjacent land or residential properties. Therefore the letter of objection has been passed to the Environmental Health Department to investigate and to take appropriate action regardless of this planning application.

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) Details of any external or roof mounted plant or machinery associated with the development hereby approved shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. The plant or machinery shall be installed in accordance with the agreed details.
REASON: In the interests of residential amenity.
- 03) The trailer and car parking spaces shown in the General Layout plan hereby approved shall be marked and laid out in accordance with the approved plan before the uses hereby approved commence; the spaces shall not thereafter be used for any purpose other than parking.
REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
- 04) The uses hereby approved shall not commence until the turning circle and access thereto as shown in the General Layout plan hereby approved has been completed and thereafter that space shall not be used for any purpose other than the turning of vehicles.
REASON: To ensure that the development is provided with adequate vehicle turning space so that vehicles may enter and leave the site in a forward gear.
- 05) All processing and machinery operation associated with the B2 use hereby approved shall take place only within the "existing building" as identified in the Proposed General layout plan and there shall be no external plant, operations, processing or machinery other than that hereby approved.
REASON: To control disturbance in the interest of residential amenity.
- 06) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: The Proposed General Layout plan drawing No MJA/EA/0712/01 received on 10 July 2012 (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.

- 07) In association with both the B2 and B8 uses hereby approve no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08.00hrs to 18.00hrs Mondays to Fridays, 09.00hrs to 13.00hrs Saturdays, and not at all on Sundays or bank holidays.
REASON: In the interests of residential amenity.
- 08) The external doors of the "existing building" shall be kept closed at all times when noise generating internal activities of processing and manufacturing associated with the B2 use hereby approved are in progress.
REASON: To adequately control disturbance in the interest of residential amenity.
- 09) The area for B8 use hereby approved shall not be used for the storage of scrap, refuse or waste materials, nor shall it be used for any external processing, sorting or manufacturing.
REASON: For the avoidance of doubt as to the extent of this consent and to control disturbance in the interest of residential amenity.
- 10) The rating level of noise emanating from the application site shall not exceed the existing background noise level by more than 5dB at any time when measured and calculated at a distance of 1 metre from any elevation of any noise sensitive property when measured and assessed in accordance with BS 4142: 1990, or a more current British Standard if applicable.
REASON: In the interests of the residential amenity of the nearby residential properties.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/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: CW2.
