

APPENDIX 1

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0441/FULL 14.06.2012	Mr F Benvenuti 102 St Cenydd Road Trecenydd Caerphilly CF83 3JX	Demolish existing chapel and erect four 1 bed apartments in a single block Chapel De Winton Terrace Llanbradach Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is currently occupied by a former Baptist Chapel building, located relatively centrally in the village of Llanbradach. It fronts onto De Winton Terrace, which is part of the main road running through the village.

Site description: The chapel building on the site is in a poor condition, so much so that the Council has served a Dangerous Structure Notice, which requires the building to be made safe. The site forms part of the road frontage of De Winton Terrace and is surrounded on all sides by existing residential development. The land falls from west to east with the result that the building is split level in design.

Development: The proposal involves the demolition of the existing building and its replacement by a two-storey structure which has the external appearance of a pair of semi-detached dwellings, when viewed from De Winton Terrace and a three-storey elevation when viewed from the rear. The original proposal was for five flats, one located at basement level with two on the ground floor and a further two at the first floor. Through discussion the basement flat has been withdrawn and replaced by car and cycle parking along with an internal bin store. The reduced scheme therefore provides for the four flats. The units themselves each contain one bedroom, a kitchen, lounge and bathroom.

Dimensions: The front elevation of the building measures approximately 11 metres long x 8 metres to the roof apex (5 metres to eaves) x 10 metres wide. Whilst the rear elevation, due to the level differences over the site, has a height measurement of 10.5 metres to the apex (6.5 metres to the eaves).

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Application 12/0441/FULL Continued

Materials: The new building will be finished with rendered walls and brick plinths and quoins. The roof will be reconstituted slate.

Ancillary development, e.g. parking: Provision of three garages within undercroft car parking and one other off-street parking space.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: SP6 (Place Making), SP7 (Planning Obligations), CW2 (Amenity), CW3 (Design Considerations - Highways). CW15 (General Locational Constraints), Supplementary Planning Guidance LDP6: Building Better Places to Live and Supplementary Planning Guidance LDP5: Car Parking Standards.

NATIONAL POLICY: Planning Policy Wales (2012) and 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? No.

CONSULTATION

Gwent Wildlife Trust - raises no objection to the proposal but recommends discussion of the application with the Council's in house Ecologist.

Transportation Engineering Manager - raises no objection subject to conditions regarding garage conversion, parking provision and access and parking materials.

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Application 12/0441/FULL Continued

Senior Engineer (Land Drainage) - raises no objection subject to conditions regarding surface water and land drainage.

Dwr Cymru - raises no objection subject to conditions regarding foul, surface and land water drainage.

Countryside And Landscape Services - raises no objection subject to conditions regarding a protected species licence and bat mitigation.

Countryside Council For Wales - raises no objection subject to the conditions recommended by the Council's in house Ecologist.

Glam/Gwent Archaeological Trust - raises no objections to the application on archaeological grounds.

Head Of Public Protection - raises no objection subject to conditions regarding imported soil and site control.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site notices and 18 letters to neighbouring properties.

Response: This consultation exercise has resulted in the submission of one letter of objection and a petition opposing the development which is signed by 283 signatories.

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

1. There are sufficient flats of this nature already existing within the village.
2. The occupants of this development will bring extra noise and trouble to the area.
3. The parking provision is inadequate to serve the proposal. This will result in additional on-street parking to the detriment of existing residents.
4. The development will adversely impact on the rights of elderly and disabled people.

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 considered that the determination of this application will not adversely impact on the issues of crime and disorder in this area.

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Application 12/0441/FULL Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

European protected species have been identified by a survey. The submitted survey has detected the presence of Mytoid bats, within the building.

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

- i. The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative
- iii. The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

- i. The condition of the building is such that its demolition and re-development is considered to be the best option in respect to public safety and the physical and social interests of the village. The building is adjacent to the public highway and consequently its poor condition could result in bricks, slates etc. falling off and causing injury or damage to users of the highway or their vehicles. As indicated earlier in this report a Dangerous Structure Notice has been served on the owners of the building to make it safe. In this regard its demolition is considered as probably the best available solution.
- ii. With regard to the second test there are two main options, (a) do nothing, and (b) consider an alternative use. With regard to the former this is not a viable option due to the condition of the building. In respect to the latter the site is located within an almost wholly residential setting. Consequently the re-development of this relatively small site for a limited residential scheme is an acceptable land-use.

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Application 12/0441/FULL Continued

- iii. Myotis bat droppings were discovered in the attic space of the existing building following an internal/external assessment carried out by a competent ecologist with proven experience in bat surveying at an appropriate time of year. A subsequent bat activity survey carried out at a sub-optimal time of year by the same ecologist did not detect emerging bats. Due to survey constraints the report is unable to confirm bat access points within the building and roost status, however, due to the low number of bat droppings recorded, it is suggested that the building may be being used by an exploratory bat. The proposed development will therefore result in the destruction of a bat roost, however, adequate mitigation recommendations have been put forward in the bat survey report in the form of site supervision, overwinter bat care and provision of a temporary bat roost. Conditions can therefore be placed on the applicant to ensure that this mitigation and compensation will be implemented. Plans have been submitted that show the provision of bat access points into the loft space and cavity walls of the new development. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation and compensation measures will maintain and enhance the roosting opportunities for Myotis bats at this location.

The Countryside Council for Wales have been party to the consideration of the bat issues at the site and have agreed that the development is acceptable subject to suitable conditions being imposed in respect to the need for a licence from the Welsh Government and compliance with the recommendations of the submitted survey report.

ANALYSIS

Policies: The application seeks permission to demolish an existing chapel and erect four 1-bed apartments in a single block on land at De Winton Terrace, Llanbradach. Although the site is not specifically allocated for residential development in the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010, it is located within the defined Settlement Boundary, and therefore the presumption is in favour of development providing material planning considerations do not constrain such development.

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Application 12/0441/FULL Continued

Policy CW2 of the Plan states that on such windfall sites within the settlement boundary, neighbouring land uses should not detract from the residential amenity of the proposed development, and the development should not result in an insensitive infilling which would spoil the character of the area. The submitted layout provided illustrates that the dwellings can be accommodated within the site, when considering the differing levels, with adequate privacy distances and separation from the existing dwellings. It is considered that the adjoining land uses would not detract from the residential amenity of the proposed properties, as existing residential development is located to the north, south, east and west of the application site. It is considered that given the size of the application site, a development comprising four one-bedroom flats within the fabric of what would appear to be two semi-detached houses, with undercroft style parking, does not represent an overdevelopment of the site, with a moderate amount of shared private amenity space and appropriate levels of off-street parking. Three properties are provided with one off-street parking space in the form of a garage in the undercroft parking as well as one off-street parking space for the remaining property within the curtilage of the site for the existing. Furthermore, a condition will be attached to any permission restricting the conversion of the proposed garages in the future.

In terms of the potential impact of the development on properties adjoining the application site, the development is surrounded by residential dwellings on all sides, albeit at varying distances and levels from the site. When considering the difference in levels between the application site and those properties to the rear of the site on School Street it is felt that the development will not result in any overshadowing impact. In relation to the proposed privacy distances, although less than the specified 21 metres at around 18 - 19 metres, it is considered that the development would not detract significantly from existing levels of privacy currently enjoyed by the properties on School Street from the existing properties on De Winton Terrace. Despite the difference in levels between the sites it is also felt that the proposed development would not result in an overbearing impact on adjoining properties to a degree to warrant a refusal of planning permission, particularly bearing in mind the massing of the existing chapel which is closer to the properties at the rear.

Policy CW3 states that development should have regard for the safe, effective, and efficient use of the transportation network. The applicant proposes to access the development off the existing rear lane between De Winton Terrace and School Street to the north-eastern boundary of the site. The Transportation Engineering Manager has assessed the proposal with regard to highway safety and found it to be acceptable subject to conditions regarding the conversion of the proposed garages, parking materials, parking provision and a Section 106 Agreement in order to secure the Standard Planning Obligation of £5,500 per property.

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Application 12/0441/FULL Continued

In terms of the proposed properties, it is considered that they have been well designed in terms of their scale, siting and materials, and will integrate well with the surrounding area. It is not considered that they will detract from the residential amenity of neighbouring properties or the visual amenity of the area generally. Appropriate parking, access and amenity will be provided for the development, and it is considered that the proposal represents an appropriate development of the site.

Therefore the proposal is compliant with policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Supplementary Planning Guidance LDP5 and LDP6, Planning Policy Wales (2012) and TAN 12: Design.

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

Comments from public: The Council's response to the local residents' comments is as follows:

1. The existence of other properties of this nature within the area is not reason to refuse the application. Saturation of a particular property type is something controlled by property markets and not the planning system.
2. It is not inevitable that the occupants of this development will bring extra noise and trouble to the area and it would not be a sound reason to object to the scheme. The proposal is for residential development within a residential area and is found to be an acceptable use on that basis.
3. It should be noted that Council's Transportation Engineering Manager has assessed the proposal with regard to access and parking provision and found it to be acceptable.
4. In assessing the proposed development it is considered that the proposal would not have a detrimental impact on the rights of elderly or disabled residents in the area. The application has been assessed against all relevant policies and design guidance and found to be acceptable.

Other material considerations: The development is considered acceptable in all other aspects.

The applicant has agreed to sign a Section 106 Agreement in respect of the Caerphilly Basin Strategic Highway Network Obligation.

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Application 12/0441/FULL Continued

A planning obligation must meet all of the following tests:

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

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.

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.

The unit sum - at present £5,500.00 - 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 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:

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.

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Application 12/0441/FULL Continued

- 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 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. The boundary treatment shall be completed in accordance with the approved details before the beneficial occupation of the dwellings hereby approved.
REASON: In the interests of the visual amenities of the area.
- 04) 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.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 06) The development shall not be beneficially 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.
- 07) Prior to the occupation of the development hereby approved the proposed parking and driveway areas shall be completed in materials as agreed with the Local Planning Authority to ensure loose stones or mud etc, are not carried onto the highway and should be constructed such that no surface water drains onto the rear lane.
REASON: In the interests of highway safety.

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Application 12/0441/FULL Continued

- 08) 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.
- 09) 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.
- 10) 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.
- 11) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 12) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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Application 12/0441/FULL Continued

- 13) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 14) 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.
- 15) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 9 of the Bat Survey report (Revision 1) dated 30th October 2012 prepared by Richard Watkins and the supporting Bat Roost Details drawing (No. FB/02/06). The development shall be undertaken fully in accordance with the approved details and drawings unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection and mitigation for protected species.
- 16) Before the commencement of works on site, details of bat surveys to monitor the new bat roosts within the development hereby approved for a minimum of two years following the completion of the development shall be submitted to and agreed in writing with the Local Planning Authority. The monitoring shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The results of the monitoring surveys shall be submitted to the Local Planning Authority annually along with details of any proposed remedial measures to improve the mitigation scheme arising from the survey results. The approved remedial measures shall be implemented in accordance with the agreed details.
REASON: To provide information on the success of the bat roost mitigation and to make amendments to ensure the success of the scheme where necessary, in the interests of biodiversity.

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Application 12/0441/FULL Continued

Advisory Note(s)

Please find attached the comments of Senior Engineer (Land Drainage), Transportation Engineering Manager, Building Control and 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 and CW3.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or the Countryside Council for Wales (029 20772400).
