

AGENDA ITEM NO. 4(b)

PLANNING COMMITTEE

13 FEBRUARY 2013

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

APPLICATION NUMBER	LOCATION
Preface Item 12/0653/RM	Land at Moriah Hill, Risca, Newport
Preface Item 12/0657/FULL	4 Heol Derw, Hengoed
Preface Item 12/0740/FULL	GLJ Recycling, Units 5 – 9, Units 10 – 11, Units 12 & 13 Fern Close, Pen-y-fan Industrial Estate, Pen-y-fan, Newport
12/0018/FULL	Former Tony Morgan Cars, High Street, Newbridge, Newport
12/0432/FULL	Land adjacent to Bryngwyn Cottages, Pennar Lane, Newbridge
12/0524/FULL	23 Gwerthonor Road, Gilfach, Bargoed
12/0782/COU	One Stop Food Store, High Street, Newbridge, Newport
12/0851/FULL	5 Gwerthonor Place, Gilfach, Bargoed
12/0884/COU	19 Cae'r Fferm, Caerphilly
12/0900/FULL	Plots 20 – 28, Land Off Small Meadow Court, Caerphilly
13/0025/NCC	Unit 7, Gallagher Retail Park, Parc Pontypandy, Caerphilly

PREFACE ITEM

APPLICATION NO. 12/0653/RM

APPLICANT(S) NAME: Greenhill Construction

PROPOSAL: Erect development of fourteen dwellings and associated landscaping

LOCATION: Land At Moriah Hill Risca Newport

The above reserved matters planning application for 14 dwellings was deferred by Planning Committee to provide further information in light of the concerns of local residents. These concerns are summarised and addressed below.

1. Which applications are the Committee considering?
RESPONSE: 12/0653/RM – Construction of 14 dwellings.

2. If they are considering two will any conditions apply to both planning applications?
RESPONSE: Only 12/0653/RM is currently being considered. If it is approved, the applicant will most likely withdraw 12/0631/NCC (Vary Condition 3 of Planning Consent 08/1300/OUT to extend permission by further 12 months). Relevant conditions will be attached to any planning permissions granted.

3. Please confirm the name of the applicant for each and every application being considered by the Committee?
RESPONSE: Greenhill Construction are the applicants.

4. Have any of the conditions listed to date been altered/partially discharged/fully discharged?
RESPONSE: To date, no conditions that require further information have been complied. Such information is usually submitted after permission is granted.

5. What was the date of each original planning application and date of application of any renewal application/related application? Were these submitted in time?
RESPONSE: The planning history of the application site is contained in the original Officer's report to Planning Committee. The current application was submitted within the 3-year time period outlined in the relevant Condition on the outline planning permission.

6. Have any members of the Planning Committee declared any interest in the site.
RESPONSE: This matter is dealt with at the Planning Committee.
7. If the properties do not need to be DQR compliant, does this mean that they are not able to be placed on the market for social rent tenants?
RESPONSE: This is a matter to be agreed between the applicant and any prospective social landlord. Tenure type is not a matter to be controlled through the planning system.
8. Will the works to the access lane be completed prior to any site clearing/development?
RESPONSE: Condition 11 of the outline permission states that Moriah Hill must be improved before the commencement of any other works.
9. Can you please provide written confirmation of the assurance given that full access and egress would be maintained for all residents during any works?
RESPONSE: If the applicant wanted to close the road this would have to be done by way of a Traffic Order. The Local Planning Authority cannot guarantee access/egress at all times as given the nature of the lane improvement works required there will be a degree of disruption to be expected.
10. Residents seek written confirmation that no damage would be caused to neighbouring properties during construction.
RESPONSE: As stated by the Development Control Manager on site, this is a matter between the residents and the developer, as is the case with every such development.
11. Will the hedge be put back in its original state?
RESPONSE: The relevant condition states that the hedgerow will be relocated or replaced. Given the required highway improved works and the width of the existing hedgerow, it is likely that it will be replaced as opposed to relocated.
12. & 13. How will Japanese Knotweed be dealt with?
RESPONSE: A relevant additional condition will be attached to the permission.
14. Ground contamination report concerns.
RESPONSE: A condition was imposed on the outline planning permission to deal with any contamination on site.

15. Where will surface water go? Where is sewerage going to go? Have Dwr Cymru agreed to the proposals yet? Dwr Cymru have previously informed residents that the existing sewer built in 1900 is not suitable.
RESPONSE: The applicant's drainage engineer has been in correspondence with the Council's Senior Engineer (Land Drainage) who has confirmed that the proposed surface water drainage scheme is acceptable in principle.
In relation to foul sewerage, Dwr Cymru have raised no objection in principle to the development.
16. When will the report from Dwr Cymru be available?
RESPONSE: Dwr Cymru's consultation response is available on the planning file to the public.
17. When will the report from the Land Drainage Officer be available?
RESPONSE: Senior Engineer (Land Drainage) consultation response is available on the planning file to the public.
18. How will access/egress be maintained to all properties during any construction/road build?
RESPONSE: As outlined above, a degree of disruption is to be anticipated due to the nature of the lane improvement works required.
19. What are the site management plans for the removal of waste, 1.5m of surface material to be removed? Is there a risk assessment completed for disruption and safety?
RESPONSE: This matter will be resolved by planning condition requiring the submission of a traffic management plan.
20. Will the new road be safe? Is there a risk of subsidence with the proposed steep banks?
RESPONSE: The road must be built to an adoptable standard. This includes certification that any retaining structures are physically fit for their intended purpose.
21. Obscure windows condition – will the deeds of these properties include the relevant restrictions?
RESPONSE: The planning legislation does not control any such legal requirements. The matter will be controlled in perpetuity by the relevant planning condition however.

22. Will the removal of buildings along the boundary with No. 9 cause damage to the boundary wall? If so will it be replaced?

RESPONSE: If damage is caused to the neighbouring property during works, this would be a private legal matter between the interested parties.

23. What happened to the trees missing off the plan? When will the tree officer's report be available?

RESPONSE: The submitted plans show the majority of trees along the western boundary being retained as part of the development. This is in accordance with the Tree Survey submitted with the planning application. It is not intended to remove any more trees.

RECOMMENDATION: That planning permission is GRANTED in accordance with the attached report and additional conditions concerning Japanese Knotweed and traffic management plan for earth removal.

PREFACE ITEM

APPLICATION NO. 12/0657/FULL

APPLICANT(S) NAME: Mr T Snailham

PROPOSAL: Install external wheelchair lifting platform to front elevation

LOCATION: 4 Heol Derw Hengoed CF82 7NT

This application was reported to the Planning Committee on 5th December 2012 with a recommendation that permission be refused; a copy of the original report is attached as an Appendix. Consideration was deferred to allow members to hold a site visit. A site visit was duly held on 18th December 2012.

The matter was then reported back to the Planning Committee of 16th January 2013 where members resolved to defer the determination of the application in order to approve the proposal contrary to the recommendation of the planning officer. Members were of the opinion that the proposal would not have a detrimental impact on the residential amenity of the neighbouring dwellings or the character of the street.

RECOMMENDATION: If members are minded to approve the application then the following condition should be attached to the consent:-

- 1 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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PREFACE ITEM

APPLICATION NO. 12/0740/FULL

APPLICANT(S) NAME: GLJ

PROPOSAL: Create a new building to collect, sort, grade, process and redistribute ferrous and non ferrous materials; re-organize the existing site accommodation and reposition the weigh bridge to improve the site monitoring and productivity and upgrade the site boundary

LOCATION: GLJ Recycling Units 5 - 9, Units 10 - 11, Units 12 & 13 Fern Close Pen-y-fan Industrial Estate Pen-y-fan Newport

This application was deferred by Planning Committee on 16th January 2013 to allow reasons for refusal of planning permission to be drafted by Officers. Members have raised concerns regarding dust and noise that adversely impacts upon adjoining users, and the character of the Primary employment location. A policy concern is similarly raised in relation to the Primary allocation of the location.

Issues of noise and dust are referred to the Council's Environmental Health section for an assessment as to the nuisance impact upon adjoining users/neighbours (not the character of the area). Objections that have been received have suggested that the problem of dust is sufficient to possibly result in one of the adjoining users failing to comply with their pharmaceutical production requirements leading to them having to leave their unit, with consequent loss of employment. A noise study has also been provided that seeks to demonstrate unacceptable levels of noise being endured by the adjoining user. The objections and study arise from the unauthorised use of the application site as an open scrap yard. The Environmental Health Section have considered these issues.

With regard to noise, Environmental Health installed monitoring equipment in the neighbouring premises on 27th October 2010. The results were dominated by the noise from the warehouse itself. The noise study that has been provided by the neighbouring user also does not appear to be conclusive. It is pointed out by Environmental Health that there are no set standards for industrial noise nuisance affecting other industrial units, this adds to the difficulty in assessing nuisance.

In addition there are typically very many activities on the estate that have the potential to cause noise, i.e. forklifts, lorries, reversing beepers etc. It is considered from the Environmental Health perspective that there is not a demonstrable noise nuisance from the unauthorised external use and consequently an in-building use would be likely to have even less impact.

With regard to dust Environmental Health have not noted any evidence of a nuisance to date. It is pointed out that the site is regulated by the Environment Agency and there are permit conditions that must be adhered to with regard to any fugitive emissions. Failure to comply with permit conditions can result in the applicant's permit being withdrawn and the business being unable to continue. As with noise an in-building use is similarly considered likely to limit dust nuisance, which is unlikely to be a material concern.

It is recommended that if the adverse impacts of noise and dust are to be reasons for refusal they should be directed to the impact upon the character of the area as a primary employment site. That is to say the reasons should not be based on nuisance but rather on how the noise and dust emanating from the processing within the building would adversely impact the character of the site and would consequently have an adverse impact upon the inward investment into the area. As such the reason for refusal should be more closely related to maintaining the character of the LDP Primary allocation.

Turning to policy itself it is to be noted that Policy CW13 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 (LDP) recommends that in-building waste management facilities should generally be considered acceptable in both Primary and Secondary Sites. In constructing a reason for refusal on policy grounds it is apparent that members' concerns are principally raised by the visual impact of this specific in-building use that is for scrap metal processing and not the waste management facilities in general that are referred to in CW13. The types of impact that have been discussed include the movement of vehicles laden with materials that are typically associated with scrap business, i.e. open flat-bed trucks with visually exposed loads comprised of items such as old fridges, radiators, bikes, etc. It has similarly been suggested that, notwithstanding conditions that would require materials to only be stored within the proposed building, the use could give rise to visually exposed storage of scrap materials that would be detrimental to the visual amenity and character of a Primary Employment Site. This concern is accentuated by the history of the unauthorised use where external storage has occurred.

The LDP identifies three categories of business and industry use: A. Business Parks that are mainly B1; followed by B. Primary, and C. Secondary Sites that are both mainly suitable for B1, B2 and B8 uses and suitable sui generis uses. The Primary allocation of the site is an attraction to inward investment that is evident in a number of adjoining users that have well landscaped sites and high technical uses. Some of those users have stated that they would not have been attracted to the location if it were orientated to scrap processing facilities.

In view of the above the following reasons for refusal are provided for Members' consideration: -

- A. The proposed building will not sufficiently protect the character of a Primary Employment Site by virtue of dust and noise contrary to Policy CW13 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.
- B. The traffic movements associated with the scrap metal business by virtue of the typical visually exposed scrap laden vehicles visiting the use would be harmful to the character of the Primary Employment location contrary to Policy CW13 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and would act as a discouragement to further inward investment of the high technical type that have established themselves in the locality.
- C. It is considered that the proposed building will not adequately contain the storage of scrap materials resulting in the external storage of scrap materials to the detriment of the character of the Primary Employment allocation of the locality contrary to Policy CW13 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

The applicants have sought Council's opinion about the proposal, the conclusions of which are in summary:

- the development is in accordance with the LDP
- there are no objections from statutory Consultees, particularly the Head of Public Protection
- there is no technical evidence to support an objection on noise and dust grounds
- there is no evidence to support the neighbouring pharmaceutical company's contention that they would lose their licence
- the refusal would place the Council at risk of costs at an appeal

As previously mentioned the current use of the site includes an unauthorised scrap yard. Under delegated powers officers have prepared for enforcement action that has been held in abeyance since January of 2012 due to application submissions, the tidying up of the site for a period of time and an appeal. Given the length of time that has passed and members' continuing concerns, members may also consider reaffirming the need for enforcement action by authorising officers to serve an enforcement notice that will require the cessation of the use of the land as a scrap yard and in the event of non-compliance with the notice to take such legal action as is necessary to terminate the breach of planning control. The breach of planning control the notice should allow a period for compliance. In this instance three months is recommended for members' consideration.

RECOMMENDATION: That planning permission is granted as set out in the attached report but should Members be minded to refuse permission the reasons are set out in the above report along with the terms of any enforcement action.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0018/FULL 30.01.2012	One Stop Store Limited Mr P Taylor Apex Road Brownhills WS8 7TS	Install new ATM machine, 12 bollards, new double automatic sliding doors and install new condenser and air condensers to the rear of the store Former Tony Morgan Cars High Street Newbridge Newport NP11 4GU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application premises are located on High Street, Newbridge.

Site description: Detached commercial building with associated curtilage.

Development: Front elevation - New ATM, 12 bollards, new double automatic sliding doors.

Rear elevation - new condenser and air condensers.

Dimensions: The building measures 30 metres in width and 11.5 metres in depth. The proposed ATM unit is located at the eastern extent of the front elevation and measures 1.1 metres in width and 1.2 metres in height.

The automatic double sliding doors are proposed in the centre of the front elevation and measure 4.2 metres in width and 2.5 metres in height.

The 12 bollards are proposed across the front elevation and measure 1 metre in height at 1.4 metre spacings.

The 4 condenser units proposed on the rear elevation are sited 9.5 metres off the eastern boundary of the application site.

Materials: Stainless steel bollards.

Ancillary development, e.g. parking: Change of use of premises to A1 food sales being considered under Application Ref: 12/0782/COU.

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Application No. 12/0018/FULL Continued

PLANNING HISTORY

2/09038 - Removal of petrol forecourt and refurbishment of car showroom -
Granted 27.10.89.

2/12128 - Extension to building, extension of existing forecourt/Parking area and
additional use for hire of light commercial vehicles - Granted 25.01.95.

11/0941/ADV - Erect new One Stop corporate signage scheme to new
development - Granted 13.04.12.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity).

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? Not applicable

CONSULTATION

Transportation Engineering Manager - No comment as the application is for the
physical works associated with the change of use. A separate change of use
application has been considered and the Transportation Engineering Manager
requests appropriate conditions (Application Ref: 12/0782/COU).

Head Of Public Protection - No objection subject to condition.

Police Architectural Liaison Officer - No comment.

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ADVERTISEMENT

Extent of advertisement: Nine neighbouring properties were consulted and a site notice was displayed near the application site.

Response: Two letters of objection were received. One of these letters was signed by three neighbouring properties.

Summary of observations:

- Competition to existing similar businesses;
- Confusion regarding position of proposed ATM;
- Inadequate level of customer parking will lead to on street parking;
- Lack of operational space for delivery vehicles;
- Anti-social opening hours;
- Concern relating to vehicles accessing the site out of hours;
- Concern relating to staff having to leave the site for smoking breaks with associated litter from cigarette butts;
- Concern that if a satellite dish is installed on the premises this could block light and views to neighbouring properties;
- Alleged Japanese Knotweed onsite;
- Existing number of similar businesses in 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 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.

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ANALYSIS

Policies: The application is for the installation of an ATM, 12 stainless steel bollards, install automatic double sliding doors, as well as the installation of 4 condenser units on the rear elevation. An application for a change of use of the premises is being considered under a separate application, Planning Ref: 12/0782/COU. It is considered that the proposed physical works are acceptable in terms of their siting, design and materials, and are typical of such commercial premises. A condition will be attached to the permission requiring details of external finishes, as well as noise levels for the proposed external condensers located on the rear elevation.

Comments from consultees: The Head of Public Protection raises no objection subject to conditions.

Comments from public:

Confusion regarding position of proposed ATM - The proposed ATM is sited at the eastern end of the front elevation.

Inadequate level of customer parking will lead to on street parking - 13 customer parking spaces and 3 staff spaces are proposed (under Planning Application Ref: 12/0782/COU). This level of parking is in accordance with Council Approved Supplementary Planning Guidance LDP5, Car Parking Standards (November 2010), and therefore considered acceptable.

Lack of operational space for delivery vehicles - It has been demonstrated (under Planning Application Ref: 12/0782/COU) that adequate operational space has been provided within the application site to allow delivery vehicles to enter and leave the site in a forward gear, as well as undertake all required manoeuvres off the public highway. The issue shall also be controlled by way of a condition requiring the submission and agreement of a delivery strategy plan.

Anti-social opening hours - Although the applicant proposes 06.00 - 23.00 hours Monday - Sunday (under Planning Application Ref: 12/0782/COU), a condition will be imposed restricting the hours of operation to 07.00 - 23.00 hours Monday - Sunday, as these are typical of such convenience stores in the Borough.

Concern relating to vehicles accessing the site out of hours - If access to the car park led to anti-social behaviour associated with 'boy racers' this is a matter to be dealt with by the Police.

Cont....

Application No. 12/0018/FULL Continued

Concern relating to staff having to leave the site for smoking breaks with associated litter from cigarette butts - Littering is controlled under other legislation and the scale of littering in this case would not justify a refusal of permission.

Concern that if a satellite dish is installed on the premises this could block light and views to neighbouring properties - Whilst no satellite equipment is shown on the submitted plans, the size of such equipment that can be installed under permitted development rights would not significantly impact on the amount of light received by neighbouring properties. Loss of view is not a material planning consideration.

Alleged Japanese Knotweed on-site - No evidence of Japanese Knotweed has been observed on-site.

Existing number of similar businesses in area - Competition is not a matter to be controlled through the Planning system.

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) Prior to the installation of any condenser units commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interests of residential amenity.
- 03) 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.

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Application No. 12/0018/FULL Continued

Advisory Note(s)

The following policy of the Caerphilly Council Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions attached to this consent: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0432/FULL 27.06.2012	Mr R Aston C/o Oakdale Design Wales Ltd Regency Buildings North Road Newbridge NP11 4AB	Erect replacement garage, single detached dwelling with off-street parking and turning facilities Land Adjacent To Bryngwyn Cottages Pennar Lane Newbridge

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: To the east of Bryngwyn Cottages, off Woodside Drive, Newbridge.

Site description: The site comprises a small grass field abutted on the southern and eastern sides by new dwellings within the Woodside Drive development. The site rises from the rear of No. 16 Woodside Drive to a woodland SINC (Pentwyn-isaf Woodlands) abutting part of the northern boundary and a hedgerow along the remainder. Access to the site is gained at its western end via an access serving Bryngwyn Cottages to the west of the site; the access and a dilapidated garage have been included within the site boundary.

Development: Erection of detached two-storey dwelling and detached garage.

Dimensions: Dwelling - 9.9m x 7.2m, with a height of 7.9m to the ridge. Garage - 6.5m square with a height of 5.5m to the ridge.

Materials: Facing brick and render to walls; artificial roof slates.

Ancillary development, e.g. parking: Two parking spaces are indicated in lieu of the existing garage to serve No. 1 Bryngwyn Cottages.

PLANNING HISTORY

2/3304 - Erection of dwelling (outline) - Refused 13.02.81.

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Application No. 12/0432/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary and adjoining the Pentwyn-isaf Woodlands SINC.

Policies: SP6 (place making), SP10 (conservation of natural heritage), CW2 (amenity), CW3 (design considerations - highways), CW4 (natural heritage protection), CW6 (trees, woodland and hedgerow protection) and CW15 (general locational constraints).

NATIONAL POLICY Planning Policy Wales.

TAN 12: 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 was required; this was submitted and referred to the Coal Authority which on the basis of the report has no objection to the proposed development.

CONSULTATION

The Coal Authority - It has been demonstrated that the site is, or can be made, safe for development and the Coal Authority therefore has no objection to the development.

Countryside And Landscape Services - The hedgerow along the boundary with the SINC contributes to the SINC habitat and should be protected during and after development. The garage should be repositioned to protect the hedge.

Rights Of Way Officer - FP 245 Abercarn passes through the site and must not be obstructed.

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Application No. 12/0432/FULL Continued

Transportation Engineering Manager - No objection subject to conditions regarding the access and off-street parking provision.

Head Of Public Protection - No objection subject to conditions regarding the potential contamination of the site and the importation of soils/materials.

Senior Engineer (Land Drainage) - Advises on the drainage of the development and requests comprehensive proposals for surface water and land drainage.

Dwr Cymru - Requests condition relating to the drainage of the development.

ADVERTISEMENT

Extent of advertisement: The occupiers of eight neighbouring dwellings were notified by letter and a site notice was displayed.

Response: Four responses (two addresses).

Summary of observations:

- The development would have a poor relationship with existing development.
- The development would have an overbearing and overshadowing impact on neighbouring dwellings.
- The development would give rise to loss of privacy for neighbouring dwellings.
- The drive and garage would be close to the rear boundary of a neighbouring dwelling and give rise to noise nuisance.
- The garage is over-large and there is potential for its conversion to a bungalow.
- There is no turning facility within the site.

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 issues in this case.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

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ANALYSIS

Policies: The site lies within the settlement boundary and adjoins existing dwellings; the erection of a dwelling on the site is, therefore, considered to be acceptable in principle and in compliance with Policy CW15 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 (LDP).

As originally submitted, the scheme indicated the dwelling and large detached garage sited close to the northern boundary of the site. While this may have been acceptable in terms of visual and residential amenity, the Council's Ecologist had concerns that the proposed siting of the garage in relation to the hedgerow bordering the neighbouring SINC would result in loss of habitat. This concern was taken up with the applicant and an amended scheme was submitted which involves a re-siting of the garage to the south-east corner of the site. On this basis it is considered that the development would have a satisfactory relationship with the adjoining SINC and that it would be in compliance with LDP Policies SP10, CW4 and CW6 with regard to natural heritage protection. The siting and massing of the development is also considered to be acceptable in visual amenity terms, and to be in compliance with LDP Policy SP6 and local and national guidance with regard to design matters.

The development would be accessed via a lane serving Bryngwyn Cottages; it is proposed to improve the access into the site and incorporate it into a turning head. Parking provision within the site would comprise the detached double garage and two adjoining parking spaces, and a further two parking spaces would be provided adjoining the entrance into the site to serve No. 1 Bryngwyn Cottages. Transportation Engineering Manager has no objection to the proposal subject to conditions ensuring the completion of the access works and parking provision, and on this basis it is considered that the proposed development is in compliance with the provisions of LDP Policy CW3.

The main issues concerning the development relate to the residential amenity of neighbouring occupiers. The site is at a higher level than the existing dwellings adjoining and in close proximity to the southern and eastern boundaries of the site. These comprise a detached dwelling (16 Woodside Drive) backing onto the southern boundary of the site, a semi-detached dwelling (14 Woodside Drive) which sides on to the south-eastern corner of the site, and a flat over garages (10 Woodside Drive) backing onto the eastern boundary of the site. The relationship between the proposed development and each of these dwellings is addressed in turn as follows:-

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Application No. 12/0432/FULL Continued

16 Woodside Drive - this detached dwelling backs onto the southern boundary of the site and is at a lower level. The dwelling is close to the retaining wall on the boundary and has no habitable room windows on that rear elevation. The proposed dwelling would be sited to the rear of the main curtilage area of No. 16 which is to the western side of the dwelling. The scheme has been amended to reduce the finished floor level (ffl) of the dwelling, resulting in the proposed dwelling having an ffl a little over 1m higher than No. 16 and its garden. At its closest point the proposed dwelling would be some 4.5m from the shared boundary, but in light of the relative levels and the 1.8m high boundary fence it is not considered that the proposed dwelling would have an overbearing impact on No. 16 nor unduly detract from its privacy (a small area of the garden at the south-eastern front corner would be overlooked by the first-floor bedroom windows of the proposed dwelling).

14 Woodside Drive - the flank wall of this semi-detached dwelling faces the south-eastern corner of the application site; the dwelling and its rear curtilage are at a lower level than the site. The ffl of the proposed detached garage would be some 2.3m higher than No. 14 and it would be some 4.5m from the shared boundary. In light of the degree of separation and the intervening boundary fence it is not considered that the proposed garage would have an unduly overbearing impact on the rear garden of No. 14. The side elevation of the proposed dwelling would be some 22m from the shared boundary.

10 Woodside Drive - this flat over garages backs onto the eastern boundary of the site. The proposed garage would be offset to the south-west of the building (a separation of some 7.5m corner to corner) with its ffl some 400mm higher. The relative positions and heights of the flat and the proposed garage are such that it is not considered that the garage would have an overbearing impact. The garage is likely to cause some afternoon overshadowing of the rear windows of the flat in winter months; the closest of these windows serves the kitchen which also receives light from front windows, and it is thus not considered that overshadowing would give rise to a significant loss of amenity. The side elevation of the proposed dwelling would be some 23m from the shared boundary.

It is therefore considered that while the proposed dwelling and garage would have some impacts on the neighbouring dwellings, these impacts would not give rise to a significant loss of residential amenity. On this basis it is considered that the proposed development is in compliance with the provisions of LDP Policy CW2.

It is recommended that permission is granted subject to conditions.

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Application No. 12/0432/FULL Continued

Comments from Consultees: Transportation Engineering Manager - comments addressed above.

Head of Public Protection - conditions are requested regarding soil importation and the potential contamination of the site.

Dwr Cymru - conditions are requested concerning the drainage of the development. A standard condition requiring a comprehensive drainage scheme to be approved is being recommended.

Senior Engineer (Land Drainage) - advice is given regarding the surface water and land drainage of the development and a comprehensive scheme is requested for consideration.

Gwent Wildlife Trust - conditions are requested to protect the adjoining woodland SINC. The amended scheme indicates that the buildings and hard surfaces would not be close to the woodland edge and that the boundary hedgerow would be retained.

Comments from public: The development would have a poor relationship with existing development - this matter has been addressed above.

The development would have an overbearing and overshadowing impact on neighbouring dwellings - this matter has been addressed above.

The development would give rise to loss of privacy for neighbouring dwellings - this matter has been addressed above.

The drive and garage would be close to the rear boundary of a neighbouring dwelling and give rise to noise nuisance - it is not likely that the drive and garage in normal domestic use would cause a nuisance to neighbouring dwellings.

The garage is over-large and there is potential for its conversion to a bungalow - the size of the garage has been considered in terms of visual and residential amenity. A condition limiting the use of the garage to ancillary residential purposes is being recommended.

There is no turning facility within the site - the access into the site would form part of a turning facility.

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.

Cont....

Application No. 12/0432/FULL Continued

- 02) This permission relates to the amended site layout Drawing No. 11/1004 Rev. G and amended sections Drawing No. 12/0795 Rev. C received on 4 February 2013.
REASON: For the avoidance of doubt as to the approved scheme.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety.
- 04) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety.
- 05) 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 completed in materials to be agreed in writing with the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 06) The use of the garage hereby approved shall be limited to that ancillary and incidental to the enjoyment of the dwelling for the parking of vehicles only and for no other purpose.
REASON: In the interests of highway safety and residential amenity.
- 07) The floor levels of the proposed dwelling and garage relative to neighbouring dwellings shall not exceed those indicated on the approved drawings, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of residential amenity.

Cont....

Application No. 12/0432/FULL Continued

- 08) 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.
- 09) 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.
- 10) 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.
- 11) 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.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

Cont....

Application No. 12/0432/FULL Continued

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 15) 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.
- 16) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to the dwelling by an accredited body, certifying that the 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.
- 17) Unless otherwise agreed in writing with the Local Planning Authority, the dwelling hereby permitted shall not 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.

Advisory Note(s)

Please find attached the comments of Rights of Way Officer, Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage) that are brought to the applicant's attention.

Cont....

Application No. 12/0432/FULL Continued

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.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0524/FULL 31.07.2012	Mr D Hodson 23 Gwerthonor Road Gilfach Bargoed CF81 8JS	Construct a three bedroom detached house on garden land adjacent to existing dwelling 23 Gwerthonor Road Gilfach Bargoed CF81 8JS

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located within the settlement boundary for Bargoed. 23 Gwerthonor Road is one of a pair of two-storey, semi-detached dwellings. Semi-detached dwellings are located to the southern boundary of the site and also beyond a service lane to the rear of the site. The Rhymney valley railway line runs parallel to the highway running along the front of the site.

House type: The site is the side garden of 23 Gwerthonor Road. It is relatively flat and level and is located along an established and mature estate road. The dwelling (and to a large extent the street) is dominated by a large late-mature oak within the hedgerow on the front of the site. Other trees are located to the rear of the site consist of Lawson cypress and self-seeded early mature Willow and Ash.

Development: Full planning permission is sought in respect of the construction of a three-bedroom, detached, house.

Dimensions: The footprint of the dwelling has maximum dimensions of 12.8m x 6m x 7.52m high.

Materials: Roof: natural grey slates; external wall: red/brown clay facing brick, stained larch cladding or render; aluminium windows and doors and upvc fascias and soffits and rainwater goods.

Ancillary development, e.g. parking: An integral garage and two-off street parking spaces.

PLANNING HISTORY

No previous planning history.

Cont....

Application No. 12/0524/FULL Continued

POLICY

Site Allocation: Policy SP5 - settlement boundaries.

Policies: Strategic Policies

Policy SP1 - Development Strategy - Development in the Heads of the Valleys Regeneration Area, Policy SP6 - Place making, Policy SP21 - Parking standards. Countywide Policies, Policy CW2 - Amenity, Policy CW3 - Design considerations - Highways, Policy CW15 - General locational constraints. Supplementary Planning guidance contained in LDP6 - Building Better Places to Live and LDP5 - Parking standards,

NATIONAL POLICY: Paragraph 4.11.9 of Planning Policy Wales (2012) 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, TAN 22 - Sustainable Buildings and Manual for Streets.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

CONSULTATION

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection subject to the imposition of a drainage condition.

Dwr Cymru - Confirm that the site is crossed by a public sewer. They advise that both foul water and surface water discharges must be drained separately from the site, no surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise agreed with the Local Planning Authority and land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system. They provide advice to be conveyed to the developer.

Cont....

Application No. 12/0524/FULL Continued

Transportation Engineering Manager - No objection subject to conditions.

Countryside And Landscape Services - No objection subject to a condition requiring the provision of tree protection measures and a further condition regarding site clearance in order to protect nesting birds.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 3 neighbouring properties have been consulted.

Response: One letter has been received.

Summary of observations:

- 1 loss of privacy
- 2 loss of light to conservatory and house
- 3 loss of views
- 4 design out of character
- 5 object to noise and pollution from building works in close proximity to dwelling
- 6 loss of green space
- 7 devaluation of property.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this planning application.

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 objections raised by the adjacent landowner and the effect of the proposal on the tree on the site.

Cont....

Application No. 12/0524/FULL Continued

Each of the objections is considered in turn below: -

- 1 Whilst there is a conservatory on the side of the objector's property there are no habitable room windows proposed in the side elevation of the new dwelling. The only openings in that elevation will be the side door of the dwelling leading to the utility room and two windows serving a bathroom on the ground floor and shower room on the first floor. As such it is not considered that there would be any loss of privacy as a result of this development.
- 2 As the objector's property is to the south of the application property there would be no loss of direct sunlight as a result of the development. The application property is also sufficiently far enough away that there would be no overbearing impact.
- 3 Loss of view is not a material planning consideration.
- 4 It is acknowledged that the materials proposed in the new dwelling are different to those evident in the host dwelling and the objector's dwelling. However, when Gwerthonor Road is viewed as a whole it is noted that a number of different materials have been used over the years and as such there is no overriding character to the area. The materials in themselves are not considered to be unacceptable and serve to introduce an element of diversity to the area whilst having regard for the character of the wider area. In terms of the design of the dwelling it is acknowledged that some elements of its design are more modern than the traditional dwellings adjacent but it should also be noted that the architectural rhythm of the street is maintained by the use of projecting gables and cantilevered porches as evident in those adjacent dwellings. In that regard the proposal is considered to be acceptable from a design perspective.
- 5 Noise from construction works in a scheme of this nature is a small and transient part of the overall development and as such it is not felt that it would be reasonable to refuse a planning application on this basis.
- 6 The majority of the application site is currently hard surfaced with a patio, drive and garage for the host dwelling. The site is also well screened from the highway by the mature tree on the front boundary of the site. As such it is not considered that the site makes a positive contribution to the green space in the area. It should also be noted that the garden is in private ownership and as such is not accessible by members of the public.

Cont....

7 Devaluation of property is not a material planning consideration.

With regard to the mature tree on the front boundary of the dwelling a tree survey has been carried out and it is considered that the development can be carried out without having a detrimental impact on the tree subject to the imposition of suitable conditions.

In conclusion it is considered that the application is acceptable in planning terms.

Comments from consultees: No objections raised.

Comments from public: Addressed 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 development hereby approved relates to the details received on 17th October 2012 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 03) No vegetation clearance, works or development shall take place until the erection of the protection measure identified in the Tree survey by the report prepared by Mackley Davies Associates dated 27 September 2012 and these shall be retained for the duration of the development unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of visual amenity.
- 04) 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 garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.
REASON: In the interests of highway safety.

Cont....

- 05) 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.
- 06) Prior to the occupation of the house hereby approved, the proposed parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. are not carried on to the public highway.
REASON: In the interests of highway safety.
- 07) Any gates shall be located and fitted so as not to open out over the highway.
REASON: In the interests of highway safety.
- 08) 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.
- 09) 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.
- 10) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.

Cont....

Application No. 12/0524/FULL Continued

- 11) The landscaping scheme referred to in Condition 10 above shall include details of all underground service runs, overhead lines, sight lines and visibility splays.
REASON: In order for the Local Planning Authority to assess the constraints to landscaping and to ensure that any proposed landscaping is capable of implementation in the interests of the visual amenity 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: CW2, CW3 and CW15.

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The conservation of Habitats and Species Regulations 2010 and its amendment 2012, which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions before continuing.

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0782/COU 01.11.2012	TJJ Properties Limited C/o Mango Planning & Development Limited Mr D Brown Number One Waterton Park Bridgend CF31 3PH	Change use to Class A1 (Retail) One Stop Food Store High Street Newbridge Newport NP11 4GU

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application premises are located on High Street, Newbridge.

Site description: Detached commercial building with associated curtilage.

Development: Change of use to A1 food sales.

Dimensions: The building measures 30 metres in width and 11.5 metres in depth.

Ancillary development, e.g. parking: 13 customer parking spaces are proposed as well as 3 staff parking spaces. Cycle parking for 2 bicycles is also proposed.

PLANNING HISTORY

2/09038 - Removal of petrol forecourt and refurbishment of car showroom - Granted 27.10.89.

2/12128 - Extension to building, extension of existing forecourt/parking area and additional use for hire of light commercial vehicles - Granted 25.01.95.

11/0941/ADV - Erect new One Stop corporate signage scheme to new development - Granted 13.04.12.

12/0018/FULL - Install new ATM machine, 12 bollards, new double automatic sliding doors and install new condenser and air condensers to the rear of the store - Not yet determined.

Cont....

Application No. 12/0782/COU Continued

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), CW16 (Locational Constraints - Retailing).

NATIONAL POLICY Planning Policy Wales.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not required in this case.

CONSULTATION

Transportation Engineering Manager - No objections subject to conditions concerning parking, deliveries, boundary treatment and access.

Head Of Public Protection - No objections subject to conditions concerning hours of operation, lighting, external plant, refuse compaction, lockable barriers for the parking areas, refuse disposal, ventilation and food hygiene.

Dwr Cymru – No comments.

ADVERTISEMENT

Extent of advertisement: Seven neighbouring properties were consulted and a site notice was displayed near the application site.

Response: One letter of objection was received.

Cont....

Application No. 12/0782/COU Continued

Summary of observations:

- Inadequate level of customer parking will lead to on street parking;
- Lack of operational space for delivery vehicles;
- Anti-social opening hours;
- Concern relating to vehicles accessing the site out of hours;
- Concern relating to staff having to leave the site for smoking breaks with associated litter from cigarette butts;
- Concern that if a satellite dish is installed on the premises this could block light and views to neighbouring properties;
- Alleged Japanese Knotweed on-site;
- Existing number of similar businesses in 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 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 change of use should be assessed against three criteria. The impact of the proposed use, as well as its hours of operation, on the amenity of neighbouring properties (Policy CW2 - Amenity); its impact on highway safety (Policy CW3 - Design Considerations - Highways); and the impact of the proposed use on the vitality and viability of nearby Principal Town Centres (Policy CW16 - Locational Constraints - Retailing).

Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP) states that development proposals should not unacceptably impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use should be compatible with surrounding land-uses.

Cont....

Application No. 12/0782/COU Continued

The applicant proposes to open from 06.00 - 23.00 hours Monday to Sunday. Given the close proximity of the application premises to neighbouring residential properties, and in particular the property immediately adjoining the site, No. 1 Marsh Villas, these proposed hours of operation are not considered appropriate given the proposed 06.00 opening time. Indeed, the Head of Public Protection has requested a condition restricting the hours of operation to 07.00 - 23.00 hours Monday to Sunday. It is considered that these amended hours of operation are more appropriate, and will reduce the impact of the proposed use on the amenity of neighbouring properties, and these are the standard hours of operation for such convenience stores.

As the application premises are an existing building, it is not considered that the proposal result in the overdevelopment of the site, and the applicant has made best use of the available curtilage of the site to provide the maximum level of parking provision, and operational space for deliveries to be undertaken within the curtilage of the site.

To the west of the application property is a car sales garage, to the north is an area of public open space, to the south a furniture sales shop, public house and funeral parlour, and to the east are residential properties. Therefore, the character of this area is defined by a mixture of uses, and the proposed use, i.e. A1 food sales, is considered to be an appropriate use in this locality.

Policy CW3 of the LDP states that development proposals must have regard to the safe, effective and efficient use of the transportation network; and appropriate parking, servicing and operational space is provided within the application site. The Local Planning Authority has negotiated with the applicant to increase the number of parking spaces proposed from 9 to 16 (including 3 staff parking spaces). Detailed information has also been submitted to show how delivery vehicles can access and manoeuvre within the site to ensure all deliveries are made off the public highway. This matter will also be controlled by way of a condition requiring the applicant to submit a delivery strategy plan to be agreed.

Policy CW16 states that outside the defined Principal Town Centres proposals for new retail stores will only be permitted where: the vitality and viability of nearby Principal Town Centres will not be undermined; and the proposal is a new retailing unit of 1000 sq. metres or less in size and to serve neighbourhood needs. The nearest Principal Town Centre to the application site is Blackwood Town Centre which is located over 3 kilometres away, and given the limited size of the application premises, i.e. 335 sq. m, it is not considered that the proposed use will impact on Blackwood Town Centre. Furthermore, the premises are significantly smaller than the 1000 sq. m stated in the policy, and will serve the needs of local residents.

Cont....

Application No. 12/0782/COU Continued

In light of the above considerations, the proposed change of use complies with the relevant policies contained within the Caerphilly Local Development Plan, subject to the imposition of relevant conditions.

Comments from Consultees: Transportation Engineering Manager raises no objection subject to condition.

Head of Public Protection raises no objection subject to conditions which are attached below where they are material planning considerations.

Dwr Cymru have no comments.

Comments from public: Inadequate level of customer parking will lead to on street parking - 13 customer parking spaces and 3 staff spaces are proposed. This level of parking is in accordance with Council Approved Supplementary Planning Guidance LDP5, Car Parking Standards (November 2010), and therefore considered acceptable.

Lack of operational space for delivery vehicles - It has been demonstrated that adequate operational space has been provided within the application site to allow delivery vehicles to enter and leave the site in a forward gear, as well as undertake all required manoeuvres off the public highway. The issue shall also be controlled by way of a condition requiring the submission and agreement of a delivery strategy plan.

Anti-social opening hours - Although the applicant proposes 06.00 - 23.00 hours Monday - Sunday, a condition will be imposed restricting the hours of operation to 07.00 - 23.00 hours Monday - Sunday, as these are typical of such convenience stores in the Borough.

Concern relating to vehicles accessing the site out of hours - If access to the car park led to anti-social behaviour associated with 'boy racers' this is a matter to be dealt with by the Police.

Concern relating to staff having to leave the site for smoking breaks with associated litter from cigarette butts - Littering can be controlled under other legislation. The amount of litter arising from a proposal such as this one would not justify a reason for refusal.

Cont....

Application No. 12/0782/COU Continued

Concern that if a satellite dish is installed on the premises this could block light and views to neighbouring properties - Whilst no satellite equipment is shown on the submitted plans, the size of such equipment that can be installed under permitted development rights would not significantly impact on the amount of light received by neighbouring properties. Loss of view is not a material planning consideration.

Alleged Japanese Knotweed on-site - No evidence of Japanese Knotweed has been observed on-site.

Existing number of similar businesses in area - Competition is not a matter to be controlled through the Planning system.

Other material considerations: A separate application (Ref: 12/0018/FULL) is also under considerations for the physical works associated with the proposed change of use, i.e. new ATM, 12 bollards, new double automatic sliding doors, air condensers.

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 building shall not be occupied until the area indicated for the parking of vehicles and cycles has been laid out in accordance with the submitted plans and those areas shall not thereafter be used for any other purpose other than the parking of motor vehicles and cycles.
REASON: In the interests of highway safety.
- 03) Notwithstanding the submitted plans, commercial trading shall not commence until after a delivery strategy plan has been submitted to and approved in writing by the Local Planning Authority. Deliveries to the premises thereafter shall be undertaken in accordance with the approved plan.
REASON: In the interests of highway safety.
- 04) Any boundary treatment fronting onto High Street shall be limited in height to a maximum of 900 mm to ensure adequate visibility is maintained.
REASON: In the interests of highway safety.

Cont....

Application No. 12/0782/COU Continued

- 05) The proposed access/egress arrangement onto High Street shall be laid out in accordance with the approved plans and constructed in materials to be agreed in writing with the Local Planning Authority prior to beneficial occupation of the development. The access/egress arrangement shall be maintained in accordance with the approved plan at all times.
REASON: In the interests of highway safety.
- 06) The development hereby approved relates to the details received on 24th January 2013 (Plan No. GA04 Rev. D) by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 07) The use hereby permitted shall not be open to customers outside the following times 0700 hours - 2300 hours, Monday - Sunday inclusive.
REASON: In the interests of residential amenity.
- 08) All deliveries must be undertaken between 0700 hours and 2200 hours Monday to Sunday but on a Sunday be limited to newspapers and bread only.
REASON: In the interests of residential amenity.
- 09) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any columns/fixtures.
REASON: In the interests of residential amenity.
- 10) Compaction is not permitted within the service delivery yard.
REASON: In the interests of residential amenity.
- 11) Details for the storage, collection and disposal of commercial waste shall be submitted to and agreed in writing by the Local Planning Authority prior to the development commencing. The agreed details shall then be implemented on the commencement of the development.
REASON: In the interests of residential amenity.
- 12) Details of a lockable barrier to the car park shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the approved use commencing.
REASON: In the interests of residential amenity.

Cont....

Application No. 12/0782/COU Continued

Advisory Note(s)

Please find attached the comments of the Transportation Engineering Manager and the Head of Public Protection 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: Policies CW2 and CW3.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0851/FULL 03.12.2012	Howells Coaches Unit 6-8 East Road Penallta Industrial Estate Hengoed CF82 7SU	Demolish existing outbuildings to rear of property, change use from part retail to total residential use, carry out internal alterations and erect rear extension to increase existing residential unit to 3 no. self contained residential units 5 Gwerthonor Place Gilfach Bargoed CF81 8JP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Gwerthonor Place and Margaret Street.

Site description: The application site is a corner property comprising a retail unit at ground floor that used to be a bakery and shop to the front, with a dwelling to the rear and above in the part of the building nearest the corner. There is a single-storey annexe next to the shop with the remainder of the bakery in a two-storey building adjacent. There is a further two-storey garage workshop building to the rear and at a lower level that is accessed via an enclosed yard with a gate onto Margaret Street. The building is largely finished in render with a slate roof but the two-storey bakery building is fronted in face brickwork. There is a shop front to the former shop with bay windows to the first floor. There is also an arched doorway in the side elevation that leads to the foyer for the existing dwelling.

Cont....

Application No. 12/0851/FULL Continued

Development: The proposal seeks full planning consent for the conversion and extension of the building to create 1 two-bedroom flat and 2 three-bedroom flats. The existing garage store building is to be demolished and a three-storey extension will be erected to the rear of the bakery building. Flat one will have a living room, kitchen and dining room on the ground floor with three bedrooms and a bathroom on the first floor. Flat 2 will have a storage area on the lower ground floor, a living room, kitchen and dining room on the ground floor and two bedrooms and a bathroom on the first floor. Flat 3 will have a garage store on the lower ground floor, a lounge, kitchen and dining room on the ground floor and three bedrooms and a bathroom on the first floor.

The shop front to Gwerthonor Place is to be removed and replaced with domestic vertical emphasis windows with all access to the flats being gained via the arched doorway to the side. The new extension will project out from the rear of the bakery building and will have an apex roof. A covered walkway through the building from Gwerthonor Place to the rear yard is to be created in the existing single storey annexe with gates fitted within a newly created arch and as a result flat three will be separated from flats 1 and 2.

Dimensions: The new extension projects out 4m from the rear of the bakery building.

Materials: As existing.

Ancillary development, e.g. parking: Parking and amenity areas are to be provided in the yard area to the rear with one parking space per unit.

PLANNING HISTORY

5/5/93/0041 - Convert dwelling to three flats - Granted 17.06.93.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Cont....

Application No. 12/0851/FULL Continued

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

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

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) 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 subject to conditions.

Head Of Public Protection - No objection subject to the provision of an automatic fire detection system.

Senior Engineer (Land Drainage) - No objection subject to the provision of a drainage scheme.

ADVERTISEMENT

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

Response: 11 letters and a petition containing 28 signatures were received from local residents.

Cont....

Summary of observations:

- 1 The proposal will exacerbate existing parking problems in the street.
- 2 The proposal will adversely affect the amenity of local residents due to additional noise and disturbance.
- 3 The proposed extension will block out natural light to number 6 Margaret Street.
- 4 The proposed extension would cause a loss of privacy to number 6 Margaret Street.
- 5 The creation of these flats is over development of the site.
- 6 The proposal is out of character and scale with the other properties in the area.
- 7 There is no rear lane access to the property and refuse will need to be collected from Margaret Street causing a hazard to other drivers.
- 8 Insufficient off street parking is proposed with the development.

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? 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 application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent to convert retail, residential and light industrial premises in a mainly residential area into a residential use and as such the principle of the development is acceptable. The alterations to the external appearance of the building are in keeping with the character of the host building and are more domestic in character and as such the proposal is considered to be acceptable in design terms. Therefore the main points to consider in the determination of this application are the objections raised by local residents and those are considered in turn below:-

Cont....

Application No. 12/0851/FULL Continued

- 1 It is acknowledged that there may be existing congestion problems in Margaret Street albeit these were not evident at the time of the case officer's site visit. However, the Local Planning Authority has to consider whether the traffic generated by the proposed use would be any worse than that which could be created as a result of the lawful use of the building (whether this is active or not). In that regard it should be noted that the lawful use of the building includes a mixture of retail, light industrial and residential uses. There is potential for these uses to result in large volumes of traffic movements and as such the application has to be judged on that basis. In that regard it is considered that the proposal would not have a detrimental impact in terms of congestion and as such the application is acceptable in this respect.
- 2 The application seeks consent for the creation of three flats and it is difficult to envisage how there would be a marked increase in activity such that it would be detrimental to the amenity of the area.
- 3 Whilst it is at a lower level the property at number 6 Margaret Street is some 17m away from the proposed extension and as such it is not felt that there would be any loss of natural light to that property. The same is true of all of the properties on the northern side of Margaret Street whilst the pine end of the dwelling at number 18 faces the application site with no windows being affected by the proposal.
- 4 Again it should be noted that the two properties are 17m apart and the proposed extension would also be at a very acute angle to the dwelling at number 6 Margaret Street and in that regard the proposal would not cause any significant loss of privacy. The same is true of the dwelling at number 18 Margaret Street.
- 5 With the demolition of the garage/storage building and the erection of the new extension, the resultant building takes up less of the site area than the present one. There is also space within the site for amenity areas for the flats together with off-street car parking and as such it is not considered that the proposal represents over development of the site.

Cont....

Application No. 12/0851/FULL Continued

- 6 As discussed above it is considered that the proposed alterations and extension to the existing building are in keeping with the character of the host building and the wider area and the proposal also does not represent over development of the site. Therefore it is not considered that the proposal is out of keeping with the character of the area either in terms of design, character or scale.
- 7 The new proposal includes for the provision of a vehicular access off the rear lane for unit 3 and access to units 1 and 2 from Margaret Street. There is also ample space within the curtilage of the site for bin storage and as such refuse collection can be dealt with adequately. It should also be noted that refuse is collected from Margaret Street at present and therefore there would be no change as a result of this development.
- 8 Supplementary Planning Guidance LDP5 requires the provision of 1 parking space per bedroom for all residential conversions. However, Schedule 6 of the document allows a reduction in the number of spaces provided based on the assessment of a number of sustainability criteria. In this instance the property is located within a very sustainable location with access to a number of facilities and therefore a maximum reduction on the number of parking spaces is achieved and only 1 parking space is required per dwelling. Therefore the application is acceptable in terms of parking provision.

One final aspect of the scheme requires further consideration:

The three-storey rear extension would have an impact on the neighbouring house to the south at 7 Gwerthonor Place. However, that must be balanced against the removal of the existing two-storey building which projects over 10 metres beyond the rear of the existing building along the common boundary with that neighbour, coupled with the removal of the bakery and retail uses. In those respects the scheme will represent an improvement on the existing situation.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitable conditions.

Comments from consultees: No objections raised.

Comments from public: Addressed above.

Other material considerations: None.

Cont....

Application No. 12/0851/FULL Continued

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 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.
- 03) 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.
- 04) Prior to the occupation of the development hereby approved, the proposed parking 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.
REASON: In the interests of highway safety.
- 05) The side boundary wall fronting onto Margaret Street shall be restricted in height to that not exceeding 900mm.
REASON: In the interests of highway safety.
- 06) Prior to the first occupation of the development hereby approved, the rear lane adjacent to 18 Margaret Street shall be widened to a minimum of 3m in width and be completed in permanent materials, the details of which shall be firstly agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.

Cont....

Application No. 12/0851/FULL Continued

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 and CW15.

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The conservation of Habitats and Species Regulations 2010 and its amendment 2012, which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions before continuing.

Rainwater run-off shall not discharge into the highway surface water drainage system.

Before any vehicle crosses the public footway a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant is advised to contact with Highway Customer Care Line Tel 01495 235323 in this regard.

Prior to the construction of the vehicular crossover the applicant is advised to contact the Street Lighting Manager on 01495 235785 to arrange the relocation of the street lighting column.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0884/COU 12.12.2012	Mr M Davies 19 Cae'r Fferm Caerphilly CF83 2QB	Change the use from domestic garage to accommodate a dog grooming facility 19 Cae'r Fferm Caerphilly CF83 2QB

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: On the south-eastern side, at the eastern end of Cae'r Fferm, Caerphilly.

House type: The host dwelling is a semi-detached house with a detached garage located to the front of the property.

Development: Change the use from domestic garage to commercial dog grooming, replacing the metal garage door with white upvc door to front and rear of garage.

Dimensions: External dimensions of the garage would remain unchanged.

Materials: External finishes of the proposal would remain unchanged except for the installation of a new upvc door to the eastern wall.

Ancillary development, e.g. parking: Provision of three off-street parking spaces. It should be noted that one of these spaces is undersized therefore only two off-street spaces would be provided that comply with the adopted standards.

PLANNING HISTORY

P/99/0688 - Erect extension to side of property for use as utility room, toilet and bedroom - Granted 07.10.99.

P/05/0307 - Erect conservatory - Granted 25.04.05.

12/0636/COU - Change the use from domestic garage to commercial dog grooming, replacing the metal garage door with white upvc door to front and rear of garage - Refused 02.11.12.

Cont....

Application No. 12/0884/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: SP6 (Place Making), SP21 (Parking Standards), CW2 (Amenity) and CW3 (Design Considerations - Highways)
Supplementary Planning Guidance LDP 5: Car Parking Standards.

NATIONAL POLICY: Planning Policy Wales (2011) 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? Not in a coal field, no action required.

CONSULTATION

Transportation Engineering Manager - raises objection on the grounds that the development would generate extraneous traffic into what is a mainly residential area, and in the absence of adequate off-street parking facilities the development would generate additional on-street parking in the turning head, to the detriment of highway safety.

Head Of Public Protection - raises objection on the grounds that noise disturbance associated with the use of the building would have a detrimental impact on residential amenity.

Dwr Cymru - have requested that the applicants contact their Developer Services should they wish to connect to the public sewer.

ADVERTISEMENT

Extent of advertisement: Six neighbours notified, site notice posted.

Response: None.

Cont....

Application No. 12/0884/FULL Continued

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? There are no specific crime and disorder issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No European protected species implications and therefore no comments required from council's ecologist.

ANALYSIS

Policies: Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010 states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land. By virtue of the location of the proposed, dog grooming parlour use within a residential area and as part of an existing residential property it is considered that the proposal would have a detrimental impact on the residential amenity of both the host and surrounding properties. This is contrary to this policy.

Policy CW2 of the LDP also states that development proposals must ensure that the proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use. By virtue of the location of the proposed use within a residential area and as part of an existing residential property the proposal would have a detrimental impact on the residential amenity of both the host and surrounding properties and would be incompatible with the surrounding land-uses. This is contrary to this policy.

Policy CW3 of the LDP states that development proposals must have regard for the safe, effective and efficient use of the transportation network. When considering the location of the proposed use and the absence of adequate off-street parking facilities, the development would generate additional on-street parking to the detriment of highway safety. This is contrary to this policy.

Cont....

Application No. 12/0884/FULL Continued

Paragraph 6.7 of Technical Advice Note 12: Design states that the appearance and function of a proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted. By virtue of the location of the proposed use within a residential area and as part of an existing residential property the proposal would have a detrimental impact on the residential amenity of both the host and surrounding properties and would be incompatible with the surrounding land-uses. This is contrary to TAN 12: Design and Paragraph 4.10.9 of Planning Policy Wales (2011).

The applicant has drawn attention to the Council's previous decision at 10 Glendale Gardens. However, the following should be noted.

When considering both the site at Glendale Gardens and the site at Cae'r Fferm it is noticeable that the property at Glendale Gardens is significantly more detached from the neighbouring properties and is set within larger grounds that would allow for adequate off-street parking spaces. These factors would suggest that the impact on the residential amenity of the neighbouring properties would be reduced when compared to the site at Cae'r Fferm.

Notwithstanding the above information it should also be noted that the Glendale Gardens application was given a temporary consent to allow the Council to monitor the impact of the business on the residential area. The Council has subsequently received complaints, which highlight the potential negative impact of the business on residential amenity.

Furthermore, in relation to the conditions attached to the temporary consent at Glendale Gardens it was determined whilst monitoring the impact of the business, that the restrictions placed on the business by condition were impractical to monitor themselves.

Comments from consultees: Transportation Engineering Manager raises objection on the grounds that the development would generate extraneous traffic into what is a mainly residential area and in the absence of adequate off-street parking facilities the development would generate additional on-street parking in the turning head, to the detriment of highway safety.

Head of Public Protection raises objection on the grounds that noise disturbance associated with the use of the building would have a detrimental impact on residential amenity.

Cont....

Application No. 12/0884/FULL Continued

Dwr Cymru have requested that the applicant's contact their Developer Services should they wish to connect to the public sewer.

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) By virtue of the location of the proposed dog grooming parlour use within a residential area and as part of an existing residential property, the proposal would have a detrimental impact on the residential amenity of both the host and surrounding properties due to noise and general disturbance and would be incompatible with that neighbouring land use, contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Technical Advice Note 12: Design (2009) and Planning Policy Wales (2012).
 - 02) The proposed change of use, through the generation of extraneous traffic into what is a mainly residential area and in the absence of adequate off-street parking facilities, will result in additional on-street parking to the detriment of highway safety. This is contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 (Car Parking Standards), Technical Advice Note 12: Design (2009) and Planning Policy Wales (2012).
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0900/FULL 20.12.2012	United Welsh Housing Association C/o Boyer Planning Mr M Rees Unit 1B Oak Tree House Oak Tree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS	Construct a C2 residential block comprising of 8 apartments and associated office space to provide accommodation and support for independent living and mental health well being Plots 20 - 28 Land Off Small Meadow Court Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is the former Jupiter Furniture Warehouse site, which is to the rear of houses on the eastern side of Pontygwindy Road, Caerphilly, and is between Virginia Close and Small Meadow Court.

Site description: The site was vacant for many months, and following the issue of permission for a scheme for 28 dwellings, works on site are well progressed. The former warehouse building was demolished approximately two and a half years ago and cleared from the site. The site is flat and more or less level. It was previously accessed from Virginia Close, but the new development is to be accessed from Small Meadow Court.

Development: This application proposes an amendment to the previously approved scheme in the form of the substitution of the block of nine 1-bed flats with a Use Class C2 residential block comprising 8 apartments and associated office space to provide accommodation and support for independent living and mental health well being. The applicant proposes a different end-use of the three-storey residential block, and as a consequence some minor alterations to the exterior of the building in the form of changes to fenestration. The form of the building (shape and dimensions), are identical to those details approved under planning permission 12/0397/FULL. The plans submitted with the application indicate the possible position of three arrays of five (each) solar/photovoltaic panels on the south facing elevation roof slopes. The main entrance door to the building would be in the north elevation.

Cont....

Application No. 12/0900/FULL Continued

Dimensions: The application site boundary defines the curtilage of this residential block, and would be an irregular shape, but almost rectangular. The site would be 41m in length, and a maximum of 23m in width. The building would be T-shaped in floor plan with maximum dimensions of 16.7m and 18.8m. The building would be 10.9m in height to the ridge.

Materials: The block of flats would have external finishes of facing brick walls, and interlocking concrete tiled roof. Doors and windows would be upvc.

Ancillary development, e.g. parking: The flats would have a communal bin store and cycle store near the entrance to the communal car park.

PLANNING HISTORY

12/0397/FULL - Substitute 9 x 2 bed affordable apartments with 9 x 1 bed affordable apartments with associated works - Not yet determined.

09/0988/FULL - Construct 28 affordable houses and flats along with associated car parking, highway and drainage - Granted 22.02.12.

06/0272/OUT - Erect Social Housing development - Withdrawn 21.07.07.

P/01/0627 - Erect two-storey extension to furniture warehouse - Granted 03.08.01.

P/04/1564 - Erect 61 houses including roads, fences and all associated engineering works - Granted 17.10.05.

5/5/90/0007 - Erect fabric stores - Granted 28.02.90.

P/96/0465 - Refurbish warehouse area - Granted 13.09.96.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints) and Supplementary Planning Guidance LDP6, "Building Better Places to Live."

Cont....

Application No. 12/0900/FULL Continued

NATIONAL POLICY: Planning Policy Wales (2011) 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? The site falls within an area where a mining risk assessment is not necessary.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - This department does not object to the proposal, however conditions to control treatment of contamination and soil importation are attached.

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 make comments of which the applicant should be advised.

Police Architectural Liaison Officer - No objection but makes comments of which the applicant should be advised.

CCBC Housing Enabling Officer - No objection and no requirement in respect of affordable housing contributions.

Gwent Wildlife Trust - No objection but makes comments of which the applicant should be advised.

ADVERTISEMENT

Extent of advertisement: Thirty-seven neighbours notified by letter, and a site notice erected on a telegraph pole adjacent to the site.

Cont....

Application No. 12/0900/FULL Continued

Response: Seven letters of objection, and three letters supporting the proposals, have been received from members of the public.

Summary of observations: The proposals have been objected to on the following grounds:-

- 1) The lack of information about intended tenure.
- 2) Loss of property value.
- 3) Concerns about the nature and/or criminal record of potential residents.
- 4) Concern for safety and well being of young families.
- 5) Concerns about the link between potential residents and the use of drugs.

The letters received in support of the proposals indicate a gratitude for the work being done with vulnerable adults and hope that the new tenants will find Small Meadow Court to be a helpful environment.

In addition, letters have been received from the Member of Parliament and the Assembly Member for Caerphilly who express their concern that the Council should have engaged the public more fully and established a dialogue with local 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? There are no specific crime and disorder issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? These matters were examined in the earlier application for this development, and were found not to be an issue.

ANALYSIS

Policies: This application is an amendment to development that already benefits from planning permission. The development of 28 affordable dwellings was granted planning permission in February 2012, and included a block of nine 2-bed flats. The recent permission amended the scheme to replace the approved block of nine 2-bed flats with a block of nine 1-bed flats. The latter scheme contained in a building slightly reduced in size.

Cont....

Application No. 12/0900/FULL Continued

The current application seeks permission for a building of exactly the same form (scale and appearance) as the block of nine 1-bed flats but, whereas the existing permissions are for Use Class C3 (domestic residential), this proposal would be for the building to be used for Use Class C2 (a residential block comprising 8 apartments and associated office space to provide accommodation and support for the independent living and mental health well being).

Whilst the principle of development has been established (the block of nine flats could be constructed, if the developer chose to do so), there are minor differences between the approved proposal and this scheme, i.e. the fenestration, and access, but the significant difference is the use of the building as 8 apartments for supported living. This proposal is not only assessed against national policy and local development plan (LDP) policies, but also supplementary planning guidance produced by this Council and at national level.

There are two general LDP policies, which are applicable to this site. The first of these is CW2 (Amenity). This contains the following criteria: -

- 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.

In response to Criterion A, the principle of the block of flats was established under 12/0397/FULL and was considered to be acceptable, thus this reduced scheme would have less amenity implications on the adjoining dwellings than the previously approved block of flats would have. The design of the buildings proposed is such as to generally conform in height with those around them. The alterations to the fenestration do not introduce any privacy infringements between this building and any neighbours. The scheme is also served off a new access into the Virginia Park development, and not directly onto the busy Pontygwindy Road. On this basis it is considered that the criterion is complied with.

Cont....

Application No. 12/0900/FULL Continued

With regard to the issue of over-development (i.e. Criterion B), the housing element of the proposal is considered to represent an acceptable level. The proposed development arrangement is that of standard housing. The layout provides a reasonable level of external amenity space/parking provision/bin storage/drying areas/bicycle storage for each dwelling.

It is considered that the proposal does not constitute over-development.

Criterion C seeks to ensure that the proposal does not constrain the authorised neighbouring land uses. In this regard the new use conforms to its surroundings and it is unlikely to adversely impact on these activities. The requirements of this criterion would not appear to be compromised.

The final Criterion D is linked to the previous one in that it expands the wording to include not only the constraining of neighbouring activities but also their viability to continue due to their impact on the residential amenity of the new properties. Bearing in mind the nature of the surrounding development it is not considered that this will be the case in this instance. The criterion is therefore considered to be satisfied.

The applicant's submission refers to the Wales Audit Office report, "Together for Mental Health" which sets out the Welsh Government's ambitions for improving mental health well being and their vision for 21st century services.

The Strategy reinforces the need to promote better mental wellbeing among the whole population. It addresses the needs of people, ensuring those vulnerable people in most need receive the appropriate priority. It focuses on how to improve the lives of service users and their families using a recovery and enablement approach.

The strategy requires that "people ... should have all possible support to ensure they live in a safe and secure environment". This is in line with the Welsh Government's overarching aims "to ensure that people have a high-quality, warm, secure and energy-efficient home to live in."

Indeed, the Welsh Government indicates that "poor housing or homelessness can contribute to mental health problems, or make an episode of mental ill health more difficult to manage. A good, safe place to live provides an excellent foundation for all other aspects of a mentally healthy life. People who experience mental illness are particularly vulnerable if their housing is insecure."

The strategy requires that a full range of housing solutions with support, should be available. Recognition must be given to the need to be close to services, facilities and support in order to stay well and maintain tenancies.

Cont....

Application No. 12/0900/FULL Continued

The strategy indicates that Local Government housing services, Housing Associations and a number of Third Sector organisations already play a significant role in helping people with mental health needs, delivering a wide range of services and assistance. Some associations have developed specific health and care services for people with mental illness, including facilities dedicated to dementia care. Welsh Government considers that there is scope for them to do more, as not-for-profit organisations that can reinvest in their local communities.

It is considered that the proposal accords with the policies contained in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

With regard to the general thrust of the advice contained in Planning Policy Wales relating to sustainable development going beyond design to include the social, environmental and economic aspects of the development, it is considered that this proposal puts the needs of people it is to serve at the heart of the process, and seeks to provide for an inclusive design and physically integrated development. This also brings it in line with the advice contained in TAN12: Design.

In respect of Policy CW3 (Design Considerations - Highways) 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
- 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

Cont....

Application No. 12/0900/FULL Continued

Transportation Engineering Manager is satisfied with the access to the site and individual properties, and internal movement within the site, and due to the location, which is quite close to the town centre, an allowance is acknowledged in respect of the 'sustainability criteria' contained in the supplementary planning guidance, and there is an appropriate reduction in the car parking requirements for the site. Moreover, the reduction in the accommodation within this block of flats would accordingly reduce the potential for traffic generation at this site.

The proposed use falls within Use Class C2, which as a group includes other uses, such as: residential schools and colleges, convalescent and nursing homes, which are uses that are generally accepted as compatible within a predominantly residential neighbourhood. However, there are a number of uses that fall within the Use Class C2, that would not easily fall into the category of being compatible with a residential area, thus it is appropriate to restrict the grant of any permission to the proposed use and not to any other within the overall use class.

In keeping with the previous permission it is also appropriate to attach a condition stating a minimum height Above Ordnance Datum (AOD) at which finished floor levels would be set.

The application therefore complies with the relevant policy framework.

Comments from Consultees: None of the Consultees raise objection to the application, but it is necessary to attach planning conditions to the grant of any permission in this instance, in order to maintain adequate control over the development.

Comments from public: The response to the points raised by members of the public are either addressed in the analysis above or responded to below:-

The procedures for processing planning applications are set down in legislation and this application has been processed appropriately and correctly.

A mix of tenure and other compatible uses is often promoted on modern developments.

Loss of property value is not a matter for consideration in this planning process.

Gwent Police do not raise any concerns about an increase in crime or vandalism as a result of this proposal.

Other material considerations: None.

Cont....

Application No. 12/0900/FULL Continued

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 premises shall be used for residential apartments and associated office space to provide accommodation and support for independent living and mental health well being 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 order to retain effective control over the use of the premises.
- 03) Prior to the occupation of the development hereby approved the proposed parking areas shall be completed in materials as approved by the Local Planning Authority to ensure loose stones or mud etc are not carried out onto the highway.
REASON: In the interests of highway safety.
- 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) 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.
- 06) Prior to the commencement of the development hereby approved a scheme for the control of dust arising from construction works shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.
REASON: To prevent pollution.

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Application No. 12/0900/FULL Continued

- 07) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by WSP, Reference 11280391 (Revision 2), dated March 2011 and the following mitigation measures detailed within the FCA: Finished floor levels are set no lower than 77.95 metres Above Ordnance Datum (AOD) (Newlyn) at the entrance to the development.
REASON: To reduce the risk of flooding to the proposed development and future occupants.
- 08) 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.
- 09) 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.
- 10) 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.

Cont....

Application No. 12/0900/FULL Continued

- 11) Notwithstanding the submitted plans prior to the commencement of work on site revised details shall be submitted to and approved in writing by the Local Planning Authority which provide 11 off-street parking spaces measuring a minimum of 2.6m x 4.8m, 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 maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 12) 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.
- 13) 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.
- 14) 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.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Gwent Architectural Liaison Officer and Gwent Wildlife Trust 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, CW3.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0025/NCC 14.01.2013	Countywide Caerphilly Ltd C/o RPS Planning & Development Mr D Ball Park House Greyfriars Road Cardiff CF10 3AF	Vary Condition 04 of planning permission 07/1230/NCC to enable up to 25 per cent of the net sales space within Unit 7 to be used for the sale of other goods not including clothing, footwear or fresh food products Unit 7 Gallagher Retail Park Parc Pontypandy Caerphilly CF83 3GX

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is located on "Phase 3" of the Gallagher Retail Park development. This phase is sited at the west end of the retail park, and was completed in December 2008. The retail park is located in the north of the Caerphilly Town urban area. The retail park is bounded to the north and east by the Caerphilly Northern By-Pass, to the west by the existing Catnic factory and to the south by the large curtilage of a house called Mackworth Grange.

Site description: The application site (Phase 3) is fully developed and contains five retail units - two large units of approximately 2800 square metres and 2350 square metres respectively, and three smaller units of 700 square metres each. (Wickes occupies the largest unit). The remaining four units are vacant. The site is served with over 350 parking spaces, access roads and service roads, the latter for delivery vehicles.

Development: The proposed development is the non-compliance of condition 4 of planning permission 07/1230/NCC. Condition 4 states:-

"The retail units hereby approved shall only be used for the sale of the following goods:- DIY products, hardware, furniture, carpets and floor coverings, soft furnishings/textiles, electrical and gas products, motor accessories and cycles, boats and caravans, office equipment, garden products, pet products and golf products. REASON: To protect the vitality and viability of Caerphilly Town Centre."

Cont....

Application No. 13/0025/NCC Continued

The applicant submits the following wording to vary the permission:-

"Notwithstanding the provisions of Condition 4, up to 25% of the net sales space within Unit 7 may be used for the sale of other goods, but those goods shall not include clothes or fresh food products."

Dimensions: Phase 3 occupies an area of land measuring approximately 3.4 hectares.

Materials: The walls of the units are finished with a pale grey panel, with blue painted detailing. The base plinth is of pale tan coloured facing brickwork.

Ancillary development, e.g. parking: Adequate parking and servicing is already available.

PLANNING HISTORY

5/5/89/0432 - Phase 1 of retail park and 3 no. office court development and 2 acorn units - Granted 12.09.89.

5/5/89/0959 - Implement consent 87/0333 without compliance with Condition 5(B) - Granted 10.12.90.

5/5/89/0960 - Develop phase 1 of retail park and 1 no. office court - Granted 10.12.90.

P/98/0395 - Construct retail warehouse units - Granted 04.06.99.

P/02/0510 - Construct 7000 sq.m. GEA retail units in 3 no. sub-divisible buildings with assoc. parking and servicing facilities including new pedestrian crossing - Granted 01.08.02.

P/02/1280 - Construct 7000 sq.m. GEA retail units in 3 no. sub-divisible buildings with assoc. parking and servicing facilities including new pedestrian crossing - Granted 16.01.03.

08/0756/FULL - Install new fire exit doors to existing retail unit - Granted 20.08.08.

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Application No. 13/0025/NCC Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement limit contained within the Plan. The land is specifically identified as part of a Retail Warehouse Park.

Policies: The policies of relevance are as follows:
CW16 - Locational Constraints – Retailing and CM2.2 - Gallagher Retail Warehouse Boundary.

NATIONAL POLICY Planning Policy Wales (Edition 5).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not required.

CONSULTATION

Strategic Planning & Urban Renewal Manager - No objection.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection but makes comments of which the applicant should be advised.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of a site notice and direct neighbour consultation with 2 properties.

Response: None.

Summary of observations: None

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Application No. 13/0025/NCC Continued

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? It is not considered that crime and disorder are issues in this case.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposal is the variance of a condition on an original permission, Ref 07/1230/NCC to permit an increase in the range of permitted goods to allow the sale of a limited range of pre-packed confectionary, biscuits, snacks and seasonal products, not including clothing or fresh food. The applicant has suggested the wording for the amendment, which reads as follows:

"Notwithstanding the provisions of Condition 4, up to 25% of the net sales space within unit 7 may be used for the sale of other goods, but these goods shall not include clothes or fresh food products."

The variance of the condition is required to enable the South Wales based retailer 'What!' to meets its trading requirements.

Planning Permission 07/1230/NCC approved the revised layout of Phase 3 of the Retail Park, for five retail units, the construction of which was completed in December 2008. Since that time only one unit has been occupied, with the other four, including the application unit, not having been occupied at any time.

The original consent was restricted by Condition 4 as follows:-

- "4. The retail units thereby permitted shall only be used for the sale of the following goods: DIY products, hardware, furniture, carpets and floor coverings, soft furnishings/textiles, electrical and gas products, motor accessories and cycles, boats and caravans, office equipment, garden products, pet products and golf products."

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Application No. 13/0025/NCC Continued

Planning Policy Wales (Edition 5) (PPW5) was published in November 2012 and has incorporated retail policy and guidance from the previous Technical Advice Notes (TAN) and Ministerial Interim Planning Policy Statements (MIPPS) documents that had been issued following the publication of TAN 4 - Retailing and Town Centres in November 1996. As such, PPW5 is the primary source of national guidance in respect of retail development.

Paragraph 10.1.1 sets out the national objectives that relate to retailing development, namely: "Secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas" and "promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions".

Paragraph 10.1.2. recommends retail development be provided as part of mixed-use developments in town, district, local and rural centres, where grouping makes sustainable transport solutions more appropriate.

Paragraph 10.3.11 directly addresses the issue of existing edge-of-centre or out-of-centre developments seeking to change the permitted range of goods over time, and seeks to ensure that the vitality, attractiveness and viability of the retail centres are not adversely affected.

Paragraph 10.3.12 acknowledges that new stores selling bulky goods can be located outside of retail centres provided they are grouped and do not adversely affect the vitality, attractiveness and viability of the retail centres.

The following Local Development Plan policies are the key policies in considering the proposals: CW16 - Locational Constraints - Retailing and CM2 - Gallagher Retail Warehouse Park Boundary.

The application site is subject to a condition limiting its retail use to the sale of bulky goods in order to protect the vitality, attractiveness and viability of other retail centres, particularly Caerphilly Principal Town Centre and Bedwas Centre. The Gallagher Retail Park was, at the time of its inception, intended only for the sale of bulky goods and not for retail sales that would unacceptably draw away trade from other centres. In the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010) the site is designated as part of the wider Gallagher Retail Warehouse Park (Policy CM2.2), which was identified to complement Caerphilly's retail offer and, in this context, it makes provision for the sale of bulky goods that cannot be accommodated in town. The site is located outside the town centre boundary identified by Policy CM1.5.

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Application No. 13/0025/NCC Continued

Policy CW16 explains that outside CM1 Principal Town Centres additional retail floorspace should not be permitted where it would undermine the vitality, attractiveness and viability of nearby Principal Town Centres or the Council's retail strategy.

Planning Policy Wales sets a central objective to promote established towns, to enhance their vitality, attractiveness and viability. Paragraph 10.3.11 directly addresses the issue of existing out-of-centre developments seeking to change the permitted range of goods over time, and seeks to ensure that the vitality, attractiveness and viability of the retail centres are not adversely affected.

In determining the acceptability or otherwise of this proposed variation, consideration needs to be given to the potential impact that this may have on retail centres in the county borough, in accordance with government guidance (PPW, Paras 10.3.1 and 10.3.11) and the LDP. Given that the proposed change is not a major one, it is likely that the proposal is only likely to impact upon the Caerphilly Principal Town Centre and the Bedwas and Trethomas local centres.

The proposed change seeks to introduce an element of non-bulky goods retailing, albeit a very restricted one. The applicants have suggested that fresh food and clothing continue to be excluded from the 25% non-bulky goods floor space and this is a crucial condition, which will avoid an excessive impact on the main elements of the retail offer in town centres.

On this basis it is considered that the proposed change will not have an adverse impact upon the Principal Town Centre. This would also be true of the potential effects on the local centres of Bedwas and Trethomas, with people being unlikely to travel to this unit specifically for its non-bulky goods retail offer, rather they would patronise the store because of its primary retail function which will remain the sale of 'bulky goods'. Overall it is considered that the proposed variance of condition will not have an adverse impact upon the vitality, attractiveness and viability of retail centres in the county borough.

The proposed variance of condition could potentially set a precedent for future changes that could result in the generation of an undesirable cumulative impact, which could adversely affect the county borough's retail centres. This will need to be carefully considered should proposals come forward in the future for relaxation of conditions on other empty units in the retail park.

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Application No. 13/0025/NCC Continued

In addition, it is also important to consider other external factors, which are pertinent to the consideration of the application. The current economic climate has seen a number of national retail chains go into administration, and investment in any retailing is minimal. The latest retail survey identified vacancy rates of 12% in Caerphilly Town Centre, 0% in Bedwas and 18.2% on the Gallaghers Retail Warehouse Park. It is clear that there is a need to generate interest in retail investment both on the Retail Warehouse Park and in Caerphilly Town Centre. The proposed variance of condition has been submitted with a view to the south Wales based retailer 'WHAT!' investing in and commencing operating from the unit.

In conclusion, and on balance, given the limited nature of the proposed variance, the probability that the proposed variance would not result in adverse impacts on other retail centres and that the proposed change will lead to retail investment in the Retail Warehouse Park, permission should be granted for the proposed variation of condition in this instance.

Comments from Consultees: No objections to the proposal have been received from the Consultees.

Comments from public: None.

Other material considerations: The variation of the consent must include any relevant conditions from the previous planning permission.

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) Notwithstanding the information submitted the retail units hereby approved shall be used as single planning units and shall not be sub-divided to produce further self-contained units without the prior approval of the Local Planning Authority.
REASON: To protect the vitality and viability of Caerphilly Town Centre.
- 03) No obstruction or planting when mature exceeding 900mm in height shall be placed or allowed to grow within the agreed vision splay areas.
REASON: In the interests of highway safety.

Cont....

Application No. 13/0025/NCC Continued

- 04) The retail units hereby approved shall only be used for the sale of the following goods:- DIY products, hardware, furniture, carpets and floor coverings, soft furnishings/textiles, electrical and gas products, motor accessories and cycles, boats and caravans, office equipment, garden products, pet products and golf products.
REASON: To protect the vitality and viability of Caerphilly Town Centre.
- 05) Notwithstanding the provisions of Condition 4, up to 25% of the net sales space within unit 7 may be used for the sale of other goods, but these goods shall not include clothes or fresh food products.
REASON: To protect the vitality and viability of Caerphilly Town Centre.
- 06) Prior to works commencing on site, details regarding the Public Rights of Way known as Footpath 54 Caerphilly and Footpath 55A Caerphilly which cross the site and which must remain open for safe use by the public during the carrying out of the works shall be submitted to and agreed with the Local Planning Authority. Thereafter those agreed details shall be implemented prior to construction of work commencing on site.
REASON: In the interests of highway safety.
- 07) This permission shall relate to the following drawing nos. 05-053 PL-00, 05-053 PL-01A, 05-053 PL-04D, 05-053 PL-05A, 05-053 PL-06A, 05-053 PL-07D, 05-053 PL-08A and 05-053 PL-011A, submitted on the 20th December, 2005, 05-053 PL-03E submitted on 24th March, 2006, and 05-053 PL-02M, 05-053 PL-09G and 05-053 PL-10D submitted on 8th May, 2006.
REASON: For the avoidance of doubt as to the plans hereby approved.
- 08) There shall be no external storage other than within the garden centre, outdoor project centre, storage compounds and service areas to the rear of Units 7 and 10 (Wickes) details of which shall be submitted and agreed in writing with the Local Planning Authority. Thereafter the agreed details shall be implemented concurrently with the development of those units.
REASON: To retain effective control over the development.

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: CW16, CM2.2.

Please find attached the comments of Head of Public Protection that are brought to the applicant's attention.
