

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.

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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."

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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.

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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.

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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.

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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.

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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

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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.

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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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- 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.

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- 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.

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