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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Iau, 1 Hydref 2020

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 7fed Hydref, 2020** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad yn ystod y Pwyllgor Cynllunio ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor: www.caerffili.gov.uk

Oherwydd cyfyngiadau yn ymwneud â Covid-19, mae Ymweliadau Safle'r Pwyllgor Cynllunio wedi'u hatal ac ni fydd y cyfarfod hwn ar agor i'r wasg na'r cyhoedd. Fodd bynnag, gall y rhai sydd â diddordeb wneud cais i fynychu o bell a siarad mewn perthynas ag unrhyw eitem ar yr agenda hon. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor ar barrerm@caerffili.gov.uk

Yr eiddoch yn gywir,

A handwritten signature in black ink, appearing to read 'Christina Harrhy'.

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Cynhaliwyd y Pwyllgor Cynllunio ar 16eg Medi 2020. 1 - 8

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

4 Rhif Cod - Eitem Ragarweiniol 20/0577/RET - 1 Kingswood Close, Hengoed CF82 7LU. 9 - 24

5 Rhif Cod 20/0517/COU - 1 Lon-y-Twyn, Caerffili CF83 1NW. 25 - 36

6 Rhif Cod 20/0634/COU - Y Fron, Mountain View, Pwll-y-pant, Caerffili CF83 3HW. 37 - 48

7 Rhif Cod 20/0636/COU - 17 Y Stryd Fawr, Rhymni, Tredegar NP22 5NB. 49 - 58

Cylchrediad:

Cynghorwyr M.A. Adams, Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, L. Harding, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, R. Saralis (Cadeirydd), J. Simmonds, J. Taylor, A. Whitcombe a T.J. Williams

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 16TH SEPTEMBER 2020 AT 10:00 AM

PRESENT:

Councillor R. Saralis - Chair
Councillor A. Whitcombe - Vice-Chair

Councillors:

M. Adams, E.M. Aldworth, C. Andrews, J.E. Fussell, L. Harding (part of meeting), A.G. Higgs, B. Miles, J. Simmonds, J. Taylor, T.J. Williams

Together with:

R. Tranter (Solicitor) R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Boardman (Area Principal Planner), C. Powell (Area Principal Planner), A. Pyne (Principal Planner), C. Campbell (Transportation Engineering Manager), M. Godfrey (Team Leader, Pollution Control), A. Vick (Senior Engineer), R. Barrett (Committee Services Officer)

CHAIR ANNOUNCEMENT

Councillor R. Saralis opened the meeting and placed on record his thanks to Councillor M. Adams for his hard work and commitment during his term as Chair, and the fair and dignified manner in which he had conducted the meetings of Planning Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors A. Angel, J. Bevan, M. Davies, R.W. Gough, D. Hardacre, A. Hussey and G. Oliver.

2. DECLARATIONS OF INTEREST

During the course of the meeting, Councillor D.T. Davies (speaking on behalf of local residents) declared a personal and prejudicial interest in relation to Agenda Item No. 6 – Application Code No. 20/0469/NCC. Details are minuted with the respective item.

3. MINUTES – 12TH AUGUST 2020

It was moved and seconded that the minutes of the meeting held on the 12th August 2020 be agreed as a correct record and by a show of hands-up this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 12th August 2020 (minute nos. 1-5) be approved as a correct record.

REPORTS OF OFFICERS

With the permission of the Chair, Agenda Item 5 (Code No. 20/0277/FULL), Agenda Item 6 (Code No. 20/0469/NCC) and Agenda Item 8 (Code No. 20/0577/RET) were brought forward on the agenda.

4. **CODE NO. 20/0277/FULL - BEDWELLY COMPREHENSIVE SCHOOL (FORMER) - LAND AT PENGAM ROAD, ABERBARGOED.**

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, together with amended conditions relating to site layout, a construction environmental management plan and acoustic glazing, an additional condition in relation to a water main, and with it being noted that Planning Officers would be working with consultees to address the prior to commencement conditions relating to ecology, transport and landscaping, the recommendation contained in the Officers report be approved, and the vote was announced as 9 for the motion.

Councillor J. Simmonds and Councillor J. Taylor lost connection during the voting roll call and were unable to announce their vote but when their connections were re-established, on the advice of the Monitoring Officer, both Members agreed to have their vote recorded as abstaining. It was therefore noted that there were 9 For, 0 Against and 2 Abstentions and the motion was declared carried by the majority present.

RESOLVED that: -

- (i) the application be deferred to allow the applicant to enter into a Section 106 Agreement as set out in the Officer's report and on completion of the Agreement that planning permission be GRANTED subject to the conditions contained in the Officer's report and the following additional and amended conditions and with it being noted that Planning Officers would be working with consultees to address the prior to commencement conditions relating to ecology, transport and landscaping.

Additional Condition (26)

Prior to beneficial occupation of any of the approved dwellings, the watermain serving the site shall be extended to the boundary of the site with the adjacent Aberbargoed Special Area of Conservation

Reason

To provide enhancement opportunities to the Aberbargoed Grasslands SAC in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009)"

Amended Condition (02)

The development shall be carried out in accordance with the following approved plans and documents:

AF-01 Affordable Housing Plan, received 07.04.2020;

EN01 - EN07 - Enclosure Details Sheets 1-5, received 07.04.2020; EW-01 - External works, received 07.04.2020;

Various house Type, received 07.04.2020;

G10-01 & G11-01 - Garage types, received 07.04.2020; HF-01 - House finishes layout, received 07.04.2020; SLP-01 - Site Location Plan, received 07.04.2020;
TP-01 Rev. G - Site Layout Plan, received 18.08.2020;
Dwg. No. 454.02 Rev. A- Planting Plan, received 22.06.2020; Tree Protection Plan, received 07.04.2020;
Tree Survey and Tree Constraints Plan, received 07.04.2020; Woodland Management Plan, received 15.06.2020;
CEMP, received 15.06.2020.

Reason

To ensure that the development is carried out only as approved by the Local Planning Authority

Amended Condition (09)

None of the buildings relating to plots 82 & 83, 96-101, shall be occupied until upgraded acoustic glazing has been installed in all habitable room windows on the façades of the premises facing Pengam Road in accordance with a scheme that shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason

To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

5. DEFERMENT REQUEST - CODE NO. 20/0469/NCC - LAND AT CAE SHINGRIG, EASTVIEW TERRACE, BARGOED

The Chair advised the Committee that a request had been made for the application be deferred to the next Planning Committee to allow a member of the public, who had submitted a written statement in objection to the application, to remotely attend the meeting and address the Committee.

The Committee were advised of the current procedure in place, whereby applicants and objectors submit their representation by way of a written statement, and Members were asked to consider deferment of the application to the next Planning Committee. Following debate, each Member was asked to state if they were in favour of the deferment or against the deferment.

Having determined there were 0 for the deferment with 9 against and 1 abstention, it was RESOLVED that the request for deferment to the next Planning Committee be refused and consideration of the application proceed as scheduled.

6. CODE NO. 20/0469/NCC - LAND AT CAE SHINGRIG, EASTVIEW TERRACE, BARGOED

A statement was read on behalf of residents in objection to the application.

Councillor D.T. Davies, Local Ward Member, spoke on behalf of residents in objection to the application. Whilst speaking on the matter, and following advice from the Monitoring Officer, Councillor D.T. Davies declared a personal and prejudicial interest in the item as he lives in close proximity to the site, and left the meeting immediately following his representation.

A statement from the Applicant in support of the application was read to the Committee.

Councillor Mrs D. Price, Local Ward Member, spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained within the Officer's report and amended conditions in relation to acoustic glazing, tree protection, lighting and a garden boundary fence (so that they no longer require the submission of information prior to works commencing on site), the recommendation contained in the Officer's report be approved and in noting there were 7 For, 3 Against and 1 Abstention this was agreed by the majority present.

RESOLVED that:-

- (i) Subject to the conditions contained in the Officers report and the following amended conditions this application be GRANTED;

Amended Condition (02)

The development hereby approved shall be carried out in accordance with the Acoustic Glazing System to be Fitted To All Windows Facing the Railway Line in accordance with Measurement of Sound Transmission Loss (EN ISO 140 & EN ISO 717) document approved by the Council on 15th July 2019 in respect of application 19/0413/COND.

Reason

To protect the residential amenity from noise from the railway line in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Amended Condition (03)

Tree protection on the development shall be carried out in accordance with drawing numbers (SK)002U Proposed Site Layout - Ground Floor, (SK)003J Proposed Site Layout - First Floor approved by the Council on 26th February 2020 in respect of application 19/0894/NMA and shall be retained on site at all times during the construction process.

Reason

To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area.

Amended Condition (05)

The lighting on the development shall be carried out in accordance with Drawing (SK)002U approved by the Council on 15th July 2019 in respect of application 19/0413/COND before the new dwellings hereby approved are first occupied.

Reason

To ensure adequate protection to protected species in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

Amended Condition (06)

A garden boundary fence shall be erected along the inside of the existing hedgerows on the eastern and southern boundaries of the site in order to exclude the hedgerows from within the garden boundaries, in accordance with Detail No. (92)101 approved by the Council on 15th July 2019 in respect of application 19/0413/COND, before the new dwellings hereby approved are first occupied.

Reason

In the interests of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy

7. CODE NO. 20/0577/RET - 1 KINGSWOOD CLOSE, HENGOED, CF82 7LU

A statement was read on behalf of a local resident in objection to the application.

Councillor M. James spoke in objection to the application.

A statement from the Applicant's Agent on behalf of the Applicant in support of the application was read to the Committee.

Following consideration of the application it was moved and seconded that subject to an additional condition requiring that a 1.8m privacy screen be erected, the recommendation contained in the Officer's report be approved and planning permission be granted, and in noting there were 4 For, 7 Against and 1 Abstention, the motion was declared lost.

As the motion was lost, the application would be deferred for a further report to a future meeting with draft reasons for refusal based on the structure having an overbearing impact and the perception of overlooking for members to consider.

RESOLVED that the application be deferred for a further report with draft reasons for refusal based on the structure having an overbearing impact and perception of overlooking.

Councillor L. Harding abstained from voting on this item as he had not been present for the whole debate.

8. CODE NO. 19/0920/FULL - LAND AT GRID REF 321955 187224 YEW TREE COTTAGE TO THE ROW, DRAETHEN

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and in noting there were 12 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that: -

(i) Subject to the conditions contained in the Officers report this application be GRANTED;

(ii) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reports immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

(iii) The applicant be advised of the comments of Natural Resources Wales, the Land Drainage Officer, Western Power Distribution and the Public Rights of Way Officer;

(iv) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7th January 2019, Schedule 3 of the Flood and Water Management Act

2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

9. CODE NO. 20/0526/FULL - 10 PENDARREN STREET, PENPEDAIRHEOL, HENGOED, CF82 8BZ

Councillor A. Whitcombe took the Chair for this item as Councillor R. Saralis lost connection to the meeting.

Following consideration of the application it was moved and seconded that subject to an amended condition in relation to the type of construction materials used and completion prior to beneficial use of the extension, the recommendation contained in the Officer's report be approved, and in noting there were 11 For, 0 Against and 1 Abstentions this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officers report and the following amended condition this application be GRANTED.

Amended Condition (03)

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, and shall be completed prior to beneficial use of the extension hereby approved.

Reason

In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW2.
- (iii) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reports immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

- (iv) Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited

exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

- (v) The applicant be advised of the comments of Dwr Cymru/Welsh Water and the Council's Ecologist.

Councillor R. Saralis would be recorded as abstaining on this item as he had not been present for the whole debate, and resumed the position of Chair following this item.

The meeting closed at 1.25pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 7th October 2020.

CHAIR

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PREFACE ITEM

APPLICATION NO. 20/0577/RET
APPLICANT(S) NAME: Mrs T Parry
PROPOSAL: Retain and complete raised decking area to the rear of dwelling
LOCATION: 1 Kingswood Close Hengoed CF82 7LU

Introduction

This application was reported to Planning Committee on 16th September, 2020 with a recommendation of approval. A copy of the original report is attached as an Appendix. At the meeting, Members resolved to defer a decision to allow officers to draft a reason for refusal that reflected the concerns expressed about the development during the debate.

The following report is, therefore, based on the main concern of Members that, the development would give rise to the perception of overlooking and to an unacceptable overbearing impact which would be detrimental to the residential amenities of the occupier of No. 18 Bryn Terrace. These matters are addressed in the appraisal below.

Appraisal

Notwithstanding the above concerns an amended set of drawings have been submitted indicating a 1.8 metre high privacy screen, the position and relationship of the proposed raised decking to the boundary of No. 18 Bryn Terrace and the relationship of the sun deck previously approved at No. 3 Kingswood Close (See Figure 1 below).

Cont....



Figure 1. Revised side section indicating a 1.8 metre privacy screen and relationship of neighbouring sun deck to no. 18 Bryn Terrace

Whilst it is accepted that there is a vast difference in levels between the two properties, Members are advised that the existing situation already provides an opportunity for overlooking and the neighbouring occupier's privacy at No. 18 Bryn Terrace is already affected when standing on the existing patio directly adjacent to the rear of No. 1 Kingswood Close or when looking out from the rear habitable room windows serving the dwelling.

Cont....

The introduction of 1.8 metre obscurely glazed privacy screens will inadvertently improve the existing situation in terms of overlooking as shown in Figure 1 above in that any existing overlooking would be impeded as a result of the privacy screens intersecting the existing lines of sight.

Furthermore, the proposed decking will be sited 1.7 metres lower than that of the neighbouring sun decks previously approved whereby there will be no opportunity to overlook the side/rear gardens or the habitable room windows of No. 18 Bryn Terrace.

Whilst the perception of overlooking can be a material planning issue, in this instance, given the reduced level and extent of screening now proposed and the fact that the proposal will also mitigate existing overlooking issues, as illustrated in Figure 1 above, it is not considered that a recommendation of refusal can be justified on this basis.

In addition, the proposed decking and screening will be set back 1.05 metres from the existing boundary fence which, it is considered, will mitigate to an acceptable degree any material overbearing impacts. When viewed from the property and garden at No. 18 Bryn Terrace the existing high boundary fence within this neighbour's garden represents, it is considered, a dominant feature set against the backdrop of the applicant's property which itself stands at a much higher level. In this context it is not considered that the visible areas of the proposed glass screen would materially affect the residential amenities of the occupiers of No. 18 Bryn Terrace to an unacceptable degree sufficient to warrant a recommendation of refusal.

Having regard to the above observations, the proposal is therefore considered to accord with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 together with advice contained within guidance note 8 of Supplementary Planning Guidance LDP7: Householder Developments (January 2017).

Conclusion

In conclusion, for the reasons outlined in the original officer's report it remains the recommendation that the application be approved.

If Members are minded to refuse planning permission, the reason for refusal is suggested as follows:-

1. By virtue of the difference in levels and proximity to the neighbouring boundary, the proposed development would give rise to a perception of overlooking and an unacceptable overbearing impact which would be detrimental to the residential amenities of the occupier of No. 18 Bryn Terrace. Therefore the proposal is considered to be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010."

Cont....

RECOMMENDATION: That planning permission is granted subject to the revised drawings received on 28.09.2020 and the conditions as set out in the attached report. However, if Members are minded to refuse permission, it is suggested that they do so on the basis of the reason set out in paragraph 5 above.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0577/RET 14.07.2020	Mrs T Parry 1 Kingswood Close Hengoed CF82 7LU	Retain and complete raised decking area to the rear of dwelling 1 Kingswood Close Hengoed CF82 7LU

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application property is located on the western side of Kingswood Close, Hengoed.

House type: Two storey detached dwelling.

Development: Planning permission is sought to retain and complete raised decking area to the rear of dwelling. The application is being reported to planning committee as the applicant is an elected ward member of this Council.

Dimensions: The raised decking is irregular in shape but has maximum dimensions measuring 9.6 metres in width by 3.6 metres in depth and measures 1.65 metres in height above the concrete retaining wall running parallel to the rear garden boundary of no.1 Kingswood Close and the side garden boundary of no. 18 Bryn Terrace. The finished floor level of the decking would be 0.426 metres below the resultant height of the neighbouring fence line, and would be enclosed by a 0.3 metre high timber plinth with 1.4 metre high obscurely glazed privacy screens and metal posts sited on top. The resulting means of enclosure would measure 1.7 metres in height above the finished floor level of the raised decking.

Materials: Reinforced steelwork, timber decking and obscurely glazed 1.7 metre high privacy screens.

Ancillary development, e.g. parking: Excavation works to reduce the existing ground levels.

PLANNING HISTORY 2010 TO PRESENT

None.

Cont

Application No. 20/0577/RET Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within settlement limits.

Policies: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints) and advice contained within Supplementary Planning Guidance LDP7: Householder Developments (January 2017).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area of low risk.

CONSULTATION

Senior Arboricultural Officer (Trees) - There is an area TPO to the rear of this property. Given that this application is to retain the work already undertaken, then I do not believe the "planning application" would be defence against any damage to the protected trees.

Gelligaer Community Council - No objection.

Cont

Application No. 20/0577/RET Continued

ADVERTISEMENT

Extent of advertisement: A site notice was not required in this instance however two neighbours were consulted.

Response: Four letters of representation have been received of which three letters of representation have been received from the same individual at the time of writing the report.

Summary of observations:

1. The work has commenced without planning permission in the first instance.
2. The decking does not comply with building regulations.
3. The decking exceeds 30 cm in height.
4. It's not reasonable for decking to be higher than a neighbouring fence.
5. The proposal will result in loss of privacy and overlooking providing direct views to a kitchen and bedroom window.
6. The proposal will prevent the neighbouring occupier from enjoying their garden.
7. The proposal will devalue the neighbour's property.
8. Concerns regarding lack of neighbour consultation and lack of consideration for the occupiers of Bryn Terrace.
9. A family member of the main objector concerned that the proposal will look into the bedroom windows of no.1-4 Bryn Terrace.
10. Advice has been sought from a local councillor who has confirmed that the minimum distance for a structure to be erected from a dwelling is 15 metres.
11. There is potential to reduce the decking even further so that any screening will not be visible and privacy won't be compromised.
12. Advises that legal advice and the press will be consulted should planning permission be granted.

Cont

Application No. 20/0577/RET 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 reasonably can to prevent crime and disorder in its area?
There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application are the impact upon visual amenity and whether the raised decking will give rise to an unacceptable impact in terms of amenity to the occupier of no. 18 Bryn Terrace and the occupiers of no.1-4 Bryn Terrace.

This application seeks to retain and complete an unauthorised structure erected within the rear garden of 1 Kingswood Close, Hengoed. The applicant has advised that works on site have stopped since being advised by Building Control in June 2020 and the original plans submitted for consideration in July 2020 (that reflect the works constructed on site to date), have subsequently been amended at the request of the Local Planning Authority. The applicant has therefore proposed to lower the resultant height of the raised deck by an additional 0.8 metres and it is the revised drawings received in August 2020 that are for consideration in the determination of this application.

Policy CW2 of the Local Development Plan sets out criteria relating to amenity. Development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land.

Cont

Application No. 20/0577/RET Continued

In that respect the rear garden of the application property comprises of a levelled patio area that projects a distance of 4.3 metres from the rear wall of the property and is enclosed by a 0.8 metre high rendered wall. The garden then falls steeply away to meet the ground below by approximately 4.8-4.9 metres. In that the development has already commenced, the reinforced concrete and steel work is already in situ on the sloping ground with timber joists affixed to the steelwork.

Notwithstanding the works undertaken on site to date, this does not reflect the revised drawings submitted to the Local Planning Authority for consideration which include a lower decked area.

The raised decking would have maximum dimensions measuring 9.6 metres in width by 3.6 metres in depth and measures 1.65 metres in height above the concrete retaining wall running parallel to the rear garden boundary of no.1 Kingswood Close and would be set down into the sloping ground from the levelled patio area by 1.8 metres. The raised decking would be set off the northern boundary by 5.94 metres, the southern boundary by 6.24 metres and the western boundary ranging between 0.9 metres and 1.2 metres. The finished floor level of the decking would be 0.426 metres below the resultant height of the neighbouring fence line, and would be enclosed by a 0.3 metre high timber plinth with 1.4 metre high obscurely glazed privacy screens and metal posts sited on top. The resulting means of enclosure would measure 1.7 metres in height above the finished floor level of the raised decking.

Having regard to the above observations the resultant means of enclosure when viewed from the garden of no.18 Bryn Terrace and the public realm would measure 1.275 metres in height above the existing fence line. This would be commensurate with the standard height of a decked balustrade enclosure.

It should be noted that a precedent has previously been set for the erection of decking platforms within the south-facing rear gardens of Kingswood Close and those decked platforms extend outwards from the levelled patio area to the rear of the dwellings. Whilst some of the raised platforms look out onto commercial premises and some are screened by trees and privacy screens, they are located at a much higher level, approx.1.8 metres higher than the proposal for consideration. On this basis, given that only a reduced amount of screening would be visible when viewed from the garden of no.18 Bryn Terrace and the public realm, it is not considered that the proposal will give rise to any adverse impacts to the character of the surrounding area.

Cont

Application No. 20/0577/RET Continued

Turning to the impact upon the occupier of no.18 Bryn Terrace, this property is located at a much lower level and there is a timber fence erected adjacent to the common boundary shared by no.1-3 Kingswood Close measuring approximately 3.6 metres in height. The application property looks out onto the side elevation of no.18 Bryn Terrace where there is a ground floor kitchen window and a secondary seating area within the side garden outside of the kitchen. Consequently, as a result of the difference in levels between the two properties, when standing from the existing levelled patio area to the rear of the application property the existing situation already gives rise to a considerable amount of overlooking and impact on the privacy of the occupier of no. 18 Bryn Terrace below. The proposal for consideration would inadvertently mitigate the existing situation in terms of overlooking as the proposed privacy screens would intersect any current overlooking issues and consequently improve privacy for the occupier of no. 18 Bryn Terrace.

In that the raised decking would be located 1.8 metres below that of the existing levelled patio area and would be located between 0.9 metres and 1.2 metres off the common boundary with no.18 Bryn Terrace, the proximity to the neighbouring property would be much closer. In that respect the finished floor level of the decking would be 0.426 metres below the resultant height of the neighbouring fence line, and would be enclosed by a 0.3 metre high timber plinth with 1.4 metre high obscurely glazed privacy screens and metal posts sited on top. The resulting means of enclosure would measure 1.7 metres in height above the finished floor level of the raised decking and would project 1.275 metres in height above the existing fence line. In that respect the impact would be similar to the existing situation when viewed from the rear garden of no. 18 Bryn Terrace looking up towards the privacy screens located to the rear of no. 3 Kingswood Close, albeit the fence height shared between these properties is much taller than that shared with the application property, but it is not considered that the impact would be any worse.

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Application No. 20/0577/RET Continued

Finally it is noted that there is a first floor habitable room window in the rear elevation of no. 18 Bryn Terrace that is located in close proximity to the return of the side elevation. Given the difference in levels and proximity to the proposed bedroom, consideration has been given as to whether the occupier of no.18 Bryn Terrace would result in loss of privacy to this habitable room window. In that regard, given that the raised decking is to be sited below the height of the existing fence line together with being enclosed privacy screens, this will prevent the ability for any persons to be standing on the raised decking to be able to look directly into the first floor bedroom window. Furthermore, given the relationship between the raised decking and privacy screens in terms of where it will cease in relation to the first floor bedroom window together with the acute viewing angle, if any, could be achieved, it is not considered that any loss of privacy would occur, and if so this would be to the ceiling only directly above the window lintel, which would be no different to the existing situation had the occupier of no. 1 Kingswood Close wished to stand or sit on the sloping ground previously. Therefore, it is not considered that the proposal will give rise to any adverse impacts to the occupier of no.18 Bryn Terrace significant enough to warrant refusal of the application on this basis.

In terms of the impact to the occupiers of no. 1-4 Bryn Terrace, the decking would be enclosed by a 1.7 metres privacy screen, together with there being a boundary fence located at a much a higher level along the northern boundary facing onto Bryn Terrace. Whilst it is accepted that the fence does not extend the full length of the boundary, the distance from the decking to the first floor habitable room window of no.4 Bryn Terrace, the nearest property to the north, measures 21 metres and this distance increases further in respect of no. 2-4 Bryn Terrace. Furthermore, there is also an intervening public highway between the properties, whereby privacy distances would be reduced much further when viewing these properties from the public realm. On this basis it is not considered that the proposal would give rise to any loss of privacy to the occupiers of no 1-4 Bryn Terrace.

In conclusion subject to the imposition of a condition to ensure that the privacy screens are installed prior to beneficial use of the raised decking and are to remain in place at all times, the proposal is considered to accord with policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- adopted November 2010.

Comments from consultees: Whilst the Senior Arboricultural Officer has raised concerns regarding the woodland TPO 49/82/RVDC confirmed 21.01.1983 in respect of damage to protected trees, the previous Senior Arboricultural Officer comments in response to consultations to retain other unauthorised raised decking along the rear of Kingswood Close confirmed that there were no significant trees in the area with the trees of amenity value located on site of the former Lewis Girls School.

Cont

Application No. 20/0577/RET Continued

Comments from public:

1. The work has commenced without planning permission in the first instance - It is not an offence to undertake development works without applying for planning permission in the first instance. However, it is a risk that any works undertaken may result in abortive works. In this instance following a complaint to the Council's Building Control departing reporting a dangerous structure, the applicant was advised for the need to cease any further works and that they would need to apply for planning permission.

2. The decking does not comply with building regulations - The Building Control Officer who visited the property was content that the structure as built was not dangerous, nor is there a need to apply for building regulations approval.

3. The decking exceeds 30 cm in height - The 30 cm rule applies to householder permitted developments whereby a change to increase the ground levels can occur without the need to apply for planning permission. In that the structure for consideration exceeds 30 cm, planning consent is therefore required.

4. It's not reasonable for decking to be higher than a neighbouring fence - The raised platform measures 0.426 metres lower than the highest point of the neighbour's fence adjacent to the common boundary.

5. The proposal will result in loss of privacy and overlooking providing direct views to a kitchen and bedroom window - These matters have been addressed in the report above.

6. The proposal will prevent the neighbouring occupier from enjoying their garden - Subject to screening, it is not considered that the development would prevent the neighbouring occupier below from enjoying their garden.

7. The proposal will devalue the neighbour's property - Loss of property value is not a material planning consideration.

8. Concerns regarding lack of neighbour consultation and lack of consideration for the occupiers of Bryn Terrace - The Local Planning Authority has a duty to advertise applications for planning permission in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The necessary publicity requirements have been met.

Cont

Application No. 20/0577/RET Continued

9. A family member of the main objector concerned that the proposal will look into the bedroom windows of no.1-4 Bryn Terrace - This has been addressed in the report above.

10. Advice has been sought from a local councillor who has confirmed that the minimum distance for a structure to be erected from a dwelling is allowed is 15 metres -There is no policy or guidance to this effect within national or local planning policies.

11. There is potential to reduce the decking even further so that any screening will not be visible and privacy won't be compromised - As stated in the above report, the applicant has amended their original submission to reduce the overall height of the raised platform by 0.8 metres.

12. Advises that legal advice and the press will be consulted should planning permission be granted - This is not a material planning consideration.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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. 20/0577/RET Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan received on 14.07.2020;
Dwg No. 1 of 6 Proposed Block Plan received on 11.08.2020;
Dwg No. 3 of 6 Proposed Rear Elevation received on 11.08.2020;
Dwg No. 4 of 6 Proposed Rear View Showing Obscure Glazed Privacy Screens received on 11.08.2020; and
Dwg No. 6 of 6 Proposed Block Plan received on 11.08.2020.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The proposed obscure privacy screens shall be installed prior to beneficial use of the development hereby approved. Thereafter, the privacy screens shall remain in perpetuity and any replacement or repair shall only be with obscure glass.
REASON: To prevent a loss of privacy in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Planning Committee 16.09.2020

Deferred – Reasons for refusal.



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Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0517/COU 03.08.2020	Mr S G White 29 Waldsassen Road Pencoed CF35 5LW	Change the use of existing premises from a shop (A1) and trade counter (Sui Generis) to a tap room (A3) and microbrewery (B2) and associated works 1 Lon-Y-Twyn Caerphilly CF83 1NW

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on the northern side of Lon y Twyn, Caerphilly.

Site description: The site comprises a warehouse unit formerly occupied by a plumbing merchant with an area of hardstanding/parking in the east. The site is triangular in shape and measures approximately 500m² in extent with the unit comprising 284m² of floorspace. Externally, the building comprises of painted render walls with white uPVC fascia and bargeboard and double-glazed glass in uPVC frames for the entrance into the shop and trade counter. The roof comprises of corrugated sheeting. Internally, the shop and showroom takes up approximately 80m² of space, along its westernmost part with the remainder being used for the trade counter and the shop storage for goods associated with the plumbing merchant. A small kitchen and WC are positioned towards the rear of the building. The building has two distinct parts with a larger apex roofed building on the eastern side of the site with a smaller flat roofed annexe on the western part.

Pedestrian access into the unit is attained via its principal elevation off Lon y Twyn, to the south of the site. Vehicular access to the parking area is also achieved via Lon Y Twyn. The site's immediate surroundings are varied with residential dwellings positioned to the north and south, Twyn School to the east and Market Street/B4263 to the west which features a wide range of services and facilities. In regard to wider surroundings, as previously identified, Caerphilly Castle is situated approximately 150m to the west and Caerphilly Town Centre is positioned 100m to the north.

Development: This application proposes the change of use of the existing premises from a shop (A1) and trade counter (Sui Generis) to a tap room (A3) and microbrewery (B2) and associated works. In order to facilitate the proposed development minor alterations are required to the unit.

Cont....

Application No. 20/0517/COU Continued

The internal configuration of the development will comprise of the following:-

- Brewery Bar area in the western part of the building;
- Malt Store/Cold Room and Storage/Office in the northern part of the building; and
- Brewery Production area in the southern part of the building.

The front elevation will be altered to be a more contemporary design whilst retaining the overall industrial character of the unit. This will be achieved through the adoption of additional fenestration on the southern elevation and a more contemporary façade to the building.

Dimensions: Not applicable.

Materials:

- Roof: Corrugated Sheeting.
- Walls: Painted Render.
- Windows: Double Glazed Glass in Grey Aluminium Frames.
- Doors: Double Glazed Glass in Grey Aluminium Frames.
- Rainwater Goods: Black Plastic.

Ancillary development, e.g. parking: Pedestrian access will be retained via Lon y Twyn and parking will be achieved via the existing area of hardstanding positioned in the east of the site.

PLANNING HISTORY 2010 TO PRESENT

18/0620/FULL - Demolish existing retail shop and erect residential flats - Granted - 18.04.2019.

POLICY

Local Development Plan: Within settlement limits and within the Caerphilly Principal Town Centre (CM1.5).

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations: Highways), CW14 (Use Class restrictions - Retail) and CW15 (General Locational Constraints).

Cont....

Application No. 20/0517/COU Continued

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.

Supplementary Planning Guidance contained in The Caerphilly Basin Masterplan.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

Cont....

Application No. 20/0517/COU Continued

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Town Centre Manager CCBC – No comments received.

CADW - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters.

Response: 15 letters of objection were received together with 1 letter in support.

Summary of observations:

1. The proposed use is not suitable in such close proximity to a Primary School.
2. Anti-social behaviour from customers of the bar.
3. The proposal has been pushed through whilst the school is closed preventing the school from opposing the proposal.
4. Noise nuisance from the users of the bar and from the brewing equipment.
5. Impact on the safety of children.
6. Loss of property value.
7. Allowing this use away from the High Street will have a detrimental impact on the town centre.
8. Odour nuisance from the brewery.
9. Increased crime in the area.
10. Parking problems in the area caused by staff parking.
11. The proposed hours of operation are unacceptable.
12. The proposal will affect the already poor drainage in the area.
13. Increase in litter.
14. The highway network serving the site is not adequate to serve a brewery.
15. Loss of privacy to neighbouring dwellings from the proposed large window to the front of the building.
16. The proposal does not comply with Policy CW14 of the Local Development Plan.
17. Potential for contamination from asbestos in the building and from past industrial uses of the site.

Cont....

Application No. 20/0517/COU Continued

The letter in support states that the proposal would bring another quality drinking/eating establishment into the town centre.

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.

Is this development Community Infrastructure Levy liable? Yes, CIL for the retail element of the development is calculated at £25 per square metre.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks full planning consent for the change of use of this vacant Mixed Use A1 and Sui Generis unit within Caerphilly Town Centre to a Mixed Use A3 bar and B2 brewery. In that regard the application needs to be considered against Policy CW14 of the LDP which states:-

CW14 Development proposals incorporating a change of use from class A1 retail premises to another use will be subject to the following restrictions:

A Within identified Principal Town Centres, changes of use of the ground floors of class A1 retail premises to other uses will only be permitted where:

- i The commercial vacancy rate of the centre has been over 10% for over a year and
- ii For a change to residential use the property is located on the edge of the centre.

The Council's latest survey indicates that the vacancy rate within Caerphilly Principal Town Centre is less than 10% and as such this application does not comply with that policy. However, this survey was carried out prior to the COVID-19 lockdown and it should also be noted that the application property has been vacant for over 18 months. In addition the previous A1 use was as a plumber's merchant, which is not considered to be a traditional town centre use. In that regard it is considered that the re-use of the property would have a positive impact on the vitality of the town centre.

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Application No. 20/0517/COU Continued

It should also be noted that the Adopted Caerphilly Basin Masterplan sets out the following vision for Caerphilly:-

To develop and enhance the Caerphilly Basin as a tourist destination in its own right. Caerphilly will be a thriving, vibrant town that is well served by the Metro, with an expanded visitor and night time offer and a growing economy, set within an attractive natural environment. It will continue to be a place where businesses want to locate, develop and grow and where people want to live, work, visit and socialise. It will be a community where everyone is empowered to participate and make a difference, where local achievements are celebrated and visitors are welcomed and residents are proud to say they are from.

It also sets out the following Strategic Objectives:-

A. Enhance the retail offer in the town, build on the existing retail base and identify opportunities to develop new modern retail units to attract new retailers and opportunities to enhance the town centre offer;

B. Create a vibrant and accessible visitor destination - identify opportunities to broaden the tourism offer within the town and create a town centre that has a strong day and night time economy which is accessible by all modes of transport with clear signage and enhanced parking and cycling facilities.

The document also identifies the following opportunities:-

Tourism: The town's 13th Century Medieval castle is the largest in Wales and second largest in Europe, and is a significant tourist draw, attracting 130,000 visitors in 2016. However, the dwell time for visitors is low and there is significant opportunity to expand the tourism offer to increase that dwell time and increase visitor spend in the town. Caerphilly regularly hosts a number of successful events that attract visitors including the Caerphilly Food Festival, The Big Cheese and the Caerphilly 10k. There are opportunities to expand the events programme further and develop additional event space in the town.

Night Time Economy: Improvements to accommodation and the leisure and night time economy (including pubs, restaurants and accommodation) remain essential, coupled with ongoing town centre and environmental improvements. The clustering of these services around the key tourist hub, in this case the castle, presents an opportunity to increase the dwell time within the town.

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Application No. 20/0517/COU Continued

It is considered that this proposal would make a significant contribution to these aims by providing a new A3 use that would lead to increased dwell times within the town centre, provide an alternative to the existing offer and contribute to an improved tourism offer in the town centre for people of all ages, particularly given its close proximity to the main tourist attraction of the castle. In that regard it is considered that the potential benefits that the proposed use could have in meeting the aims and objectives above and bringing this unit back into beneficial use would outweigh the impact that the loss of the A1 use would have on the vitality and vibrancy of the town centre and as such the scheme is considered to be in accordance with the aims of the development plan in force in the area.

With regard to the impact of the proposal on the amenity of the neighbouring dwellings it should be noted that the Head of Public Health and Protection has raised no objection to the application. Noise and odour mitigation schemes have been submitted with the application and these are considered to adequately address the impacts on the area and provide sufficient mitigation to control any noise and odour nuisance from the proposal. It is also considered that the proposals would not lead to any loss of privacy or overbearing impact on the neighbouring properties and as such the proposals comply with Policy CW2 of the LDP.

With regard to the impact of the proposal on highway safety it should also be noted that the Transportation Engineering Services Manager has raised no objection to the proposal. Details have been submitted showing that adequate off street parking and service space can be provided within the curtilage of the site and this can be secured by condition and as such the proposal complies with Policy CW3 of the LDP.

Comments from Consultees: No objections raised.

Comments from public:

1. The proposed use is not suitable in such close proximity to a Primary School. There is no evidence to suggest that a brewery and bar in close proximity to a primary school would have any detrimental impact on the health or wellbeing of the children within the school. Moreover the Council's Licensing Department has controlled the hours of opening of the premises from 16.00hrs to 23.00hrs Monday to Friday and as such the premises would not be open as a Public house during normal school hours.

2. Antisocial behaviour from customers of the bar. Antisocial behaviour is a matter for the police to control and is not a material planning consideration.

Cont....

Application No. 20/0517/COU Continued

3. The proposal has been pushed through whilst the school is closed preventing the school from opposing the proposal. The Local Planning Authority has a duty to determine applications within 8 weeks of submission and has no control over the date when an application is received. The application has been advertised in accordance with legislation and the school has been given the opportunity to comment on the proposals. No such comments have been received to date but any comments received prior to committee will be reported orally to members.

4. Noise nuisance from the users of the bar and from the brewing equipment. As stated above a noise survey has been submitted with this application and it is considered that, subject to imposition of the noise mitigation measures set out in that survey, the proposal would not have unacceptable noise impacts on neighbouring properties.

5. Impact on the safety of children. There is no evidence to suggest that the safety of children would be affected by this proposal.

6. Loss of property value. Loss of property value is not a material planning consideration.

7. Allowing this use away from the High Street will have a detrimental impact on the town centre. As discussed above, the application site is within the defined Principal Town Centre and is supported by the Caerphilly Basin Masterplan. In that regard it is considered that the proposal would have a positive impact on the town centre.

8. Odour nuisance from the brewery. As stated above an odour control scheme has been submitted with the application and it is considered that this sets out adequate measures to control odours from the premises and as such it is not considered that the proposal would be unacceptable in this regard.

9. Increased crime in the area. There is no evidence to prove that this proposal would lead to increased crime in the area. Moreover, this would be a matter for the Police.

10. Parking problems in the area caused by staff parking. Adequate parking for staff and deliveries to and from the premises can be provided within the application site. In that this is a town Centre location it is expected that customers to the property would use Town Centre car parks the same as other retail uses in the area. Any unlawful parking around the site and connected with this proposal and any existing issues in the area would be a matter for the Council Civil Enforcement Officers.

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11. The proposed hours of operation are unacceptable. The application proposes the operation of the brewery from 08.00hrs to 18.00hrs Monday to Friday with no working on Saturdays, Sundays or Bank Holidays. These hours are in line with the working hours of the previous use on the site and with most other uses in the town centre and are not considered to be unreasonable in planning terms, especially given the noise mitigation measures referred to above. In respect of the operation of the bar the application proposes opening hours of 12.00hrs to 23.00hrs on all days including Bank Holidays. Whilst the Licensing Committee have restricted the hours of opening on Mondays to Fridays to 16.00hrs to 23.00hrs this application is considered under separate legislation and as such the hours applied for have to be considered unless the Local Planning Authority considers that these hours would have a detrimental impact on the amenity of the area. In that regard, and notwithstanding the objections raised it is considered that opening between the hours of 12.00hrs and 23.00hrs is not acceptable in a town centre location. It is noted that the property has residential properties to the north, east and south but the nearest of these properties is some 18m away from the proposed building with roads or parking areas in the intervening land. In that regard, it is considered that the impact of the opening hours on the amenity of the neighbouring dwellings would not be unacceptable given the town centre location of the site.

12. The proposal will affect the already poor drainage in the area. No evidence has been provided to establish that there is an issue with drainage in the area. This is an issue that would be covered under the Building regulations.

13. Increase in litter. There is no evidence to support the claim that this use would lead to an increase in litter. In any event there is other legislation in place to deal with such matters and it is not a material planning consideration.

14. The highway network serving the site is not adequate to serve a brewery. The highway network serving this site serves the town centre and also previously served the plumbers merchant who occupied the site. This is a small brewery that serves a small number of public houses and visiting members of the public and in that regard the vehicles used are not large. Details have been submitted which show that the vehicles that are used by the applicant can access and leave the site in forward gear and on that basis no objection is raised by the Transportation Engineering Services Manager.

15. Loss of privacy to neighbouring dwellings from the proposed large window to the front of the building. As stated above the nearest dwellings to this site are some 18 m away with intervening roads and parking in between. Whilst there is a large glass area proposed to the front of the building, this serves the brewery part of the building and as such it is not considered that this would have any greater impact on the privacy or amenity of the nearest residential property than persons standing on the public highway. In that regard it is not considered that the proposal would lead to an unacceptable loss of privacy in planning terms.

Cont....

Application No. 20/0517/COU Continued

16. The proposal does not comply with Policy CW14 of the Local Development Plan. This policy issue is discussed above.

17. Potential for contamination from asbestos in the building and from past industrial uses of the site. Responsibility for dealing with the removal of any asbestos lies with the developer and is not a material planning consideration. The Head of Public Health and Protection has been consulted on this application and has raised no concerns in respect of ground contamination.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

In conclusion it is considered that the proposed development would make a positive contribution to the vitality and viability of the town centre, complies with the aims set out in the Caerphilly Basin Masterplan and would not have any unacceptable impacts on the amenity or highway safety of the area. In that regard it is considered that the proposal is acceptable subject to the imposition of conditions.

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 shall be carried out in accordance with the following approved plans and documents: Site Location Plan, Proposed Floor Plan, Proposed Elevations, T19.136-ATR-DR-SPA1, Noise Assessment of Micro Brewery by Inacoustic, Technical Note - Highways and Transportation by Asbri Transport and Odour Control Strategy by Brewmonster.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont....

Application No. 20/0517/COU Continued

- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 04) The A3 use hereby permitted shall not be open to customers outside the following times: (a) 12.00 hours to 23.00 hours Monday to Sunday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) In relation to the brewery use (Class B2) hereby approved, no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08.00 hours to 18.00 hours Monday to Friday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with submitted plan T19.136-ATR-SPA1 to the satisfaction of the LPA, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The proposed parking and turning area shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached comments from the Council's Head of Public Protection.



Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0634/COU 30.07.2020	Lilyalex Properties Unit 31 Evans Business Centre Western Industrial Estate Caerphilly CF83 1BE	Change use and erect extension at Y Fron from Guest House (C1) to HMO to be used for Emergency Housing/Move on Accommodation (Sui Generis) and associated works Y Fron Mountain View Pwllypant Caerphilly CF83 3HW

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Y Fron, Mountain View, Pwllypant, Caerphilly, CF83 3HW.

Site description: The application site comprises of a detached building (Y Fron guesthouse) and associated curtilage located to the west of the A469 road. To the west the land rises sharply to Central Street with residential dwellings located at a higher level. To the east is the A469 road with Woodland beyond. To the south is Broadlands bungalow a detached property.

Development: The proposal comprises the Change of use and extension of Y Fron from Guest House (C1) to House of Multiple Occupation to be used for Emergency Housing/Move on Accommodation (Sui Generis) and associated works.

The existing layout of the guest house has, on the ground floor, a Managers bedroom and two other bedrooms with en-suite facilities, a dining room, kitchen, boiler room and storage area and internal fire escape. The existing first floor includes five bedrooms (2 with en-suite facilities) and a bathroom. The existing second floor has three bedrooms (2 with en-suite facilities).

The proposed layout shows at ground floor level a Managers bedroom and two bedrooms with en-suite facilities as well as a kitchen within the original footprint of the building. In addition at ground floor a further three studio apartments and a further kitchen area will be located in extensions to the original building.

Cont....

Application No. 20/0634/COU Continued

The proposed first floor layout includes five bedroom (2 with en-suite facilities) and a bathroom within the original footprint of the building and a further three studio apartments within the extension.

The proposed second floor layout shows three bedrooms within the existing footprint of the building.

Dimensions:

The main portion of the extension which has a pitched roof measures approximately 18.5m by 7m and has a ridge height of 8.4m.

A two storey flat roofed link element measures approximately 16.5m by 1.8m (max extent) with a height of 6m.

A single storey element measures approximately 3.4m by 6.2m with a height of 3.4m.

Materials: Walls: Finishes to include stone cladding to match existing building, face brickwork and vertical slate tiling. Roof: New pitched roof elements to be fibre cement slate and new flat roofs to be grey single ply membrane.

Ancillary development, e.g. parking: Demolition of existing single storey element to facilitate extension, wall and creation of a car park.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), and CW15 (General Locational Constraints).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

Cont....

Application No. 20/0634/COU Continued

SUPPLEMENTARY PLANNING GUIDANCE

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Senior Engineer (Land Drainage) - The Land Drainage officer response concludes that they have no objection subject to SAB Approval. They request further information in respect of compliance with SAB but advise that a SAB pre-application advice has been received by the Land Drainage section and is currently under consideration.

Transportation Engineering Manager - No objection subject to parking/turning area being provided prior to occupation of the extension.

Head Of Public Protection - Environmental Health have no adverse comments to make with regards to the above planning application.

Ecologist - We note that the bat survey did not identify any bats using the part of the building that may be affected by the works.

All Public Bodies, including Caerphilly County Borough Council have a legal obligation under the Environment (Wales) Act 2016 to conserve and enhance biodiversity. These are actions we take directly and through those actions which we consent. To achieve a biodiversity enhancement for this development, we recommend that the applicant install bird and bat boxes.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters.

Cont....

Application No. 20/0634/COU Continued

Response: No responses were received relative to the consultation exercise.

Summary of observations: None.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not liable.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The proposal comprises the Change of use and extension of Y Fron from Guest House (C1) to a House of Multiple Occupation to be used for Emergency Housing/Move on Accommodation (Sui Generis). The application site is within the defined settlement boundary and the proposal is acceptable in principle conforming with the requirements of Policies CW15 (General Locational Constraints) and SP5 (Settlement Boundaries).

In respect of housing delivery the national planning guidance document Planning Policy Wales (PPW) acknowledges that there must be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.11).

Cont....

The application details submitted includes a letter in support of the development from the Council's Emergency Housing Manager who writes "Under the Housing Wales Act 2014, local authorities have a legal obligation to provide emergency accommodation to persons accepted by them has being owed such a duty and this authority is currently heavily reliant on Bed & Breakfast facilities like Y Fron to assist us with this emergency housing duty." The Emergency Housing Manager also comments that "Due to demand, coupled with the lack of rehousing options available, Y Fron Guest House is a facility that is constantly used and is normally operating at full capacity, with the right permissions, I would support any increase in room capacity at Y Fron Guest House." It is therefore considered that the proposal will assist with the provision of Emergency accommodation and contribute to meeting the needs of the community in line with Planning Policy Wales.

PPW also advises that "Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure on greenfield sites" (paragraph 4.2.17). In terms of the application site it conforms to the definition of 'previously developed land' as set out in PPW and is underutilised having a sizeable undeveloped curtilage area. The proposal therefore accords with the aim to better utilise previously developed land located within the defined settlement boundary.

The Welsh Government has published a practice guidance note on Housing in Multiple Occupation in March 2017 which advised that "HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. Concerns can arise with the management of HMOs because of the transient nature of many tenancies, with many residents on low incomes and/or from vulnerable groups, the intensive use of shared facilities and lack of interaction between residents who may be complete strangers to each other. Consequently, HMO use of a house will generally be more intensive than single household use. This may have an impact not just on the residents in an HMO but on the wider neighbourhood and the likelihood of this increases where there are high concentrations of such properties." (Paragraph 1.3 WG HMO practice guidance note).

In terms of this application the proposed building has an established use class C1 as a Guest house with 10 guest bedrooms and an additional Managers bedroom and therefore this use has an existing impact on the nearby residential properties. The proposed change of use and extension would increase the capacity of the building to a total of 16 bedrooms and also an additional Managers bedroom.

Cont....

Application No. 20/0634/COU Continued

However the six new bedrooms would themselves be 'studio style' and have cooking facilities within each unit meaning there would be less reliance on those occupying them to use shared facilities for these additional units. The submitted plans also include an additional new kitchen area for the main house which is considered particularly beneficial in providing additional capacity in terms of shared space for the operation of the non-studio style accommodation within the building.

In terms of the impact on surrounding residential properties that include Brooklands and other residential properties located at broadly the same level to the south, it is noted that the new accommodation proposed is on the northern side of the building (furthest from the footprint of Brooklands and these other residential properties). There are only relatively small amendments proposed to the internal layout of the existing parts of the guest house building on the application site and these do not materially alter overlooking or the existing levels of privacy between the guest house building and Brooklands. In respect of properties on the upper part of Central Street to the west of the site, these properties are located at a substantially higher level than the site and it is not considered there will be a significant impact on their amenity.

In respect of the proposed change of use and extension it is noted that there will be an increase in persons occupying the extended property due to the increase in bedrooms. The new units include cooking facilities within them and therefore may reduce the need for use of shared facilities elsewhere within the building. Having considered the existing use as a guest house and the proposed use as an HMO/Emergency Housing/Move on Accommodation it is not considered that there will be unacceptable impact on neighbour amenity resulting from either the proposed change of use or the extension and associated increased levels of occupation.

There is not a high concentration of Houses of Multiple Occupation in the immediate vicinity of the application site and therefore it is not considered that a cumulative impact of such HMOs is a material consideration in this instance. The development accords with adopted Local Development Plan Policy CW2 (Amenity).

In terms of the impact of the proposed alterations on the character of the area the proposed extension is (in part) two storeys in height and has a lower ridge height than the existing Y Fron building. The design of the extension is considered acceptable in its form having an appropriate impact on the character of the existing property and the wider area according with Local Development Plan Policy SP6 (Placemaking).

The proposal has including sufficient parking and the Highway Authority has raised no objection to the development. It accords with adopted Local Development Plan Policy CW3 (Highways).

Cont....

Application No. 20/0634/COU Continued

The submitted plans include a length of retaining wall to be located at the base of an embankment on the south-west side of the site where excavations have previously been carried out. It is proposed to require via planning condition full details of this retaining wall and associated structural calculations to ensure a suitable form of construction is agreed and carried out.

Comments from Consultees:

The Council's Ecologist has requested ecological enhancement and this is proposed to be secured via a planning condition.

The Senior Engineer (Land Drainage) has requested further details on compliance with SAB approval but has confirmed this is a formal requirement and has also advised that the applicant has submitted separate pre-application information under the drainage section's SAB guidance service. The application site is of a substantial size indicating there would be scope to include measures to accord with Sustainable Drainage requirements. It is therefore considered that this matter can be dealt with under the SAB approval process and an informative is proposed to be attached to the permission to draw the applicant's attention to the need to obtain SAB approval.

Comments from public: None.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

The proposed change of use and extension would have an acceptable design and impact on neighbour amenity and is recommended for approval accordingly.

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. 20/0634/COU Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
- Site Location Plan, drawing reference 2770[C]S(0)01 revision A, received 30.07.20;
 - Proposed Site plan, drawing reference 2770[C]L(0)P200 revision C, received 30.07.20;
 - Proposed Ground Floor plan, drawing reference 2770[C]L(0)P201 revision A, received 30.07.20;
 - Proposed First Floor plan, drawing reference 2770[C]L(0)P202 revision A, received 30.07.20;
 - Proposed Second Floor plan, drawing reference 2770[C]L(0)P203 revision A, received 30.07.20;
 - Proposed Roof plan, drawing reference 2770[C]L(0)P204 revision A, received 30.07.20;
 - Proposed North side Elevation plan, drawing reference 2770[C]L(0)205, received 17.08.20;
 - Proposed Front (east) Elevation plan, drawing reference 2770[C]L(0)206 revision A, received 30.07.20;
 - Proposed Rear (west) Elevation plan, drawing reference 2770[C]L(0)207 revision A, received 30.07.20;
 - Proposed Section A-A plan, drawing reference 2761[C]L(0)208, received 30.07.20;
 - Proposed Section C-C and D-D plan, drawing reference 2761[C]L(0)209 revision A, received 30.07.20;
 - Bat Activity Survey, Ecological Services Limited report, dated 21st July 2020.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 04) Bird and bat boxes as detailed in Section 8 of the Bat Activity Survey Report, V1.0 July 2020 shall be incorporated into the new build. The boxes shall be retained in situ for a minimum of 5 years as detailed in the report.
REASON: To provide nesting for birds and roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Cont....

Application No. 20/0634/COU Continued

- 05) Prior to the proposed extension being brought into beneficial use the area indicated for the parking and turning of vehicles shall be laid out in accordance with the submitted plans and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.
REASON: To ensure that adequate parking and turning facilities are provided within the site in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on site full engineering details and structural calculations for the proposed retaining walls, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed structural walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

Cont....

Application No. 20/0634/COU Continued

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

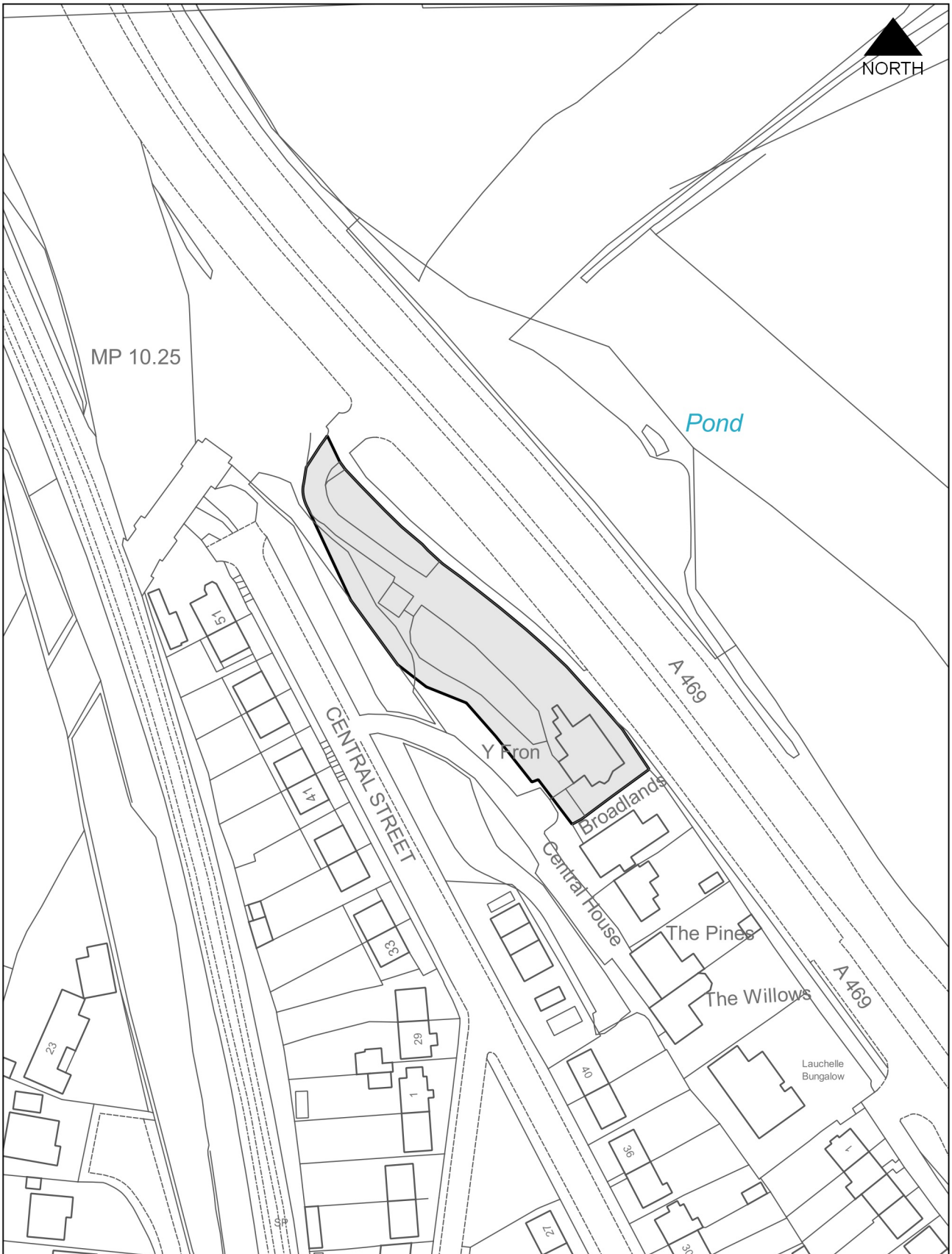
Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

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 (as amended), 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 Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

Please find attached the comments of Senior Engineer (Land Drainage) that are brought to the applicant's attention.



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Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0636/COU 05.08.2020	Mr J Furneaux 13 Edgemoor Close Upper Killay Swansea SA2 7HJ	Change the use of a 4 bed terraced house (C3) to a 6 bed traditional bed-sit style HMO (C4) 17 High Street Rhymney Tredegar NP22 5NB

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The site is located within the Conservation Area of Rhymney along the main High Street.

Site description: The semi-detached three-storey building features painted render with one side featuring a bay window to the ground and first floor. A raised patio area leads to a parking area for 3 vehicles situated adjacent the highway to the front elevation which has an entrance and exit enabling vehicles to enter and leave in a forward gear.

Development: Change the use of a 4 bed terraced house (C3) to a 6 bed traditional bed-sit style.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: Cycle rack to rear and bin storage area.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Caerphilly County Borough Local Development Plan (2010).

Cont....

Application No. 20/0636/COU Continued

Policies: Policy SP5: Settlement Boundaries, Policy SP6: Place Making, Policy SP21: Car Parking, Policy CW2: Amenity, Policy CW3 Design Considerations: Highways and Policy CW15: General Locational Constraints.

Supplementary Planning Guidance: Supplementary Planning Guidance LDP5 - Car Parking Standards.

NATIONAL POLICY

Planning Policy Wales (Ed. 10).

The Planning (Listed Buildings and Conservation Areas) Act 1990.

Technical Advice Note 24: The Historic Environment and Conservation Principles.

Welsh Government Houses in Multiple Occupation: Practice Guidance (March, 2017).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a high risk area.

CONSULTATION

Head Of Public Protection - No objections, attach advice from Housing Officer.

Transportation Engineering Manager - No objection subject to conditions to control car parking.

Conservation & Design Officer - There appear to be no proposals for the external fabric of the existing building, that in terms of its historic fabric, would not in itself, have any harmful impact upon the character or appearance of the conservation area provided that it was not allowed to deteriorate and over time affect detrimentally the amenity of the property itself or its surroundings.

However, consideration should be given on the likely impact that this type of change of use may have on the wider neighbourhood and this likelihood increases where there are a number of such properties already in the area.

Cont....

Application No. 20/0636/COU Continued

Welsh Government has produced recent relevant guidance on the considerations needed to be mindful of, in the proposed change of use of such properties to HMOs in their document 'Houses in Multiple Occupation: Practice Guidance March 2017.

Paragraph 1.5 states:

Where there are high concentrations of HMOs, the Review confirmed that common problems include:

- Damage to social cohesion with higher levels of transient residents and fewer long term households and established families, leading in the long term to communities which are not balanced and self-sustaining;
- Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
- Increases in anti-social behaviour, noise, burglary and other crime;
- Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs;
- A change of character in an area through a tendency for increased numbers of takeaways, discount food stores and letting agencies;
- Increased pressure on parking;
- Reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls.

Conclusion

I am concerned about the key issues raised in paragraph 1.5 of the WG Guidance on HMOs and the increased likelihood that these matters will make an already challenged Town Centre into a more problematic one that will strip the community of its special 'character or appearance', that the legislation states that local planning authorities are duty bound to 'preserve or enhance'.

Recommendation

Refusal of this application in that it is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that,

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Cont....

Application No. 20/0636/COU Continued

Reasons:

- 1) To preserve or enhance the character or appearance of the conservation area;
- 2) For the proper development management of the historic environment.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of site notice, press advertisement, and 16 No. neighbour notification letters.

Response:

51 x third party representations (summarised):

- Concern for family due to feeling unsafe in Rhymney due to the residents in existing HMO's.
- Proposed HMO not beneficial to the area.
- High Street is already congested.
- Lack of parking.
- Number of police/anti-social incidents recently.
- Many flats in the area already.
- The High Street has become a 'no go' area.
- Effect on house prices.
- Current situation in Rhymney is having an effect on mental health and wellbeing of many people.
- Overconcentration of HMO's in the area.
- A balanced mix of housing types needed.
- No outdoor amenity space for occupants.
- Adverse impact on the Conservation Area.
- Proposal contradicts the Well-being of Future Generations Act.

Summary of observations:

Issues of safety, crime, anti-social behaviour, house prices, health and the behaviour of future occupiers are not a material to the consideration of this application. However, parking and highway safety, the over concentration of HMO's and the consequential impacts upon the mix of housing, community cohesion and the character and appearance of the Conservation Area, together with the Well-being of Future Generations Act are material considerations which are addressed in the appraisal below.

Cont....

Application No. 20/0636/COU 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 reasonably can to prevent crime and disorder in its area?

The Local Planning Authority has no control over who the occupants of the proposed development would be, their behaviour or what their particular background is. As such, the end user of the proposal is not a material planning consideration.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The proposed development only affects the interior of the building. Therefore, the proposal is not liable for CIL.

ANALYSIS

The main issues to consider in this instance relate to the acceptability of the proposal in principle and to the impact upon the character and appearance of the Rhymney Town Conservation Area, the amenity of the area and highway safety.

The application site is located within a settlement boundary as designated by the maps contained within the Caerphilly County Borough Local Development Plan (2010). Therefore, the principle of development is accepted, subject to other material planning considerations.

The application site is, however, also located within the Rhymney Town Conservation Area, therefore the proposal should be considered against the provisions of Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to ensure that any development within a Conservation Area preserves or enhances the character and appearance of that area.

The proposed development would not involve any alterations to the external appearance of the existing dwelling. A cycle rack and bin store are, however, proposed to the rear curtilage of the building and to ensure that these would not have an adverse impact on the character of the Conservation Area, full details will be secured by condition. Subject to condition, therefore, the physical works associated with proposal are considered to preserve the character and appearance of the Conservation Area.

With regard amenity impact it is not considered that the use of the existing dwelling as a shared house for up to 6 people living together would, in planning terms, raise any new material amenity issues in terms of noise, disturbance, amenity space requirements or impact upon privacy.

A number of concerns have been raised by third parties and by the Council's Conservation Officer regarding the concentration of HMO's in the area and perceived impact upon issues of social cohesion, the amenity and character of the area and Conservation Area.

There are no specific policies in the LDP relating to this issue, however, in 2015 the Welsh Government commissioned a study into the impact of HMO concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study also revealed common problems associated with high concentrations of HMOs in some areas including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in antisocial behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on school through falling rolls.

In this respect the research identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission. Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

In this instance Council records indicate that there are only 5 HMO's within Rhymney as a whole and no HMO's within at least 100 metres of the application site.

Cont....

Application No. 20/0636/COU Continued

On this basis the number of HMO's within the area is low and well below the 10% threshold identified in Welsh Government research. As such, the proposal would not lead to an overconcentration of HMO properties within the area or have a negative impact upon the social cohesion of the community. It is not considered therefore that a recommendation of refusal could in any way be justified on these grounds and the proposed use of the site as a HMO is considered to be compatible with neighbouring residential land uses. Therefore, the proposal is considered to be in accordance with Policy CW2.

With regard parking and highway safety the Highway Authority raise no objections subject to the provision of one additional car parking space to accommodate visitor parking requirements. In this respect 3 car parking spaces are shown on the both the proposed and existing plans and to the rear of the property is situated a hardstanding area which is capable of providing an additional car parking space accessed via an existing lane off the High Street. As such, 3 residents' car parking spaces and 1 visitor space will be secured by condition and on this basis the proposal is regarded as acceptable and in accordance with Policy SP21 and SPG LDP5.

To conclude, while concerns have been raised regarding the amount of HMO properties within Rhymney, it cannot be argued that there is an overconcentration of such uses in the area and as a consequence it is considered that the proposal would not have an unacceptable impact upon the amenity of the area or the character of the Rhymney Conservation Area. Adequate off street car parking can also be provided and no physical alterations are proposed. Subject, therefore, to conditions relating to bike and refuse storage and off street car parking the application is recommended for approval.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and in providing the sustainable use of existing housing stock to meet housing needs it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

- 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. 20/0636/COU Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Proposed Site Plan (Received: 31/07/2020).
Proposed Second Floor Layout (Received: 31/07/2020).
Proposed Ground Floor Layout (Received: 31/07/2020).
Proposed First Floor Layout (Received: 31/07/2020).
Site Location Plan (Received: 06/08/2020).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority which provide 4 off-street parking spaces within the curtilage of the site. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety to ensure that adequate parking facilities are provided within the curtilage of the site.
- 04) Prior to the commencement of development, full details of the cycle rack and bin store detailed on the proposed plans shall be submitted to and agreed in writing by the Local Planning Authority. The approved cycle rack and bin store shall be provided prior to the first beneficial occupation of the development hereby approved and shall thereafter be maintained as such.
REASON: In the interest of highway safety and to ensure the proposal preserves or enhances the designated Conservation Area in accordance with Section 72(1) of the Planning Listed Building and Conservation Areas) Act 1990.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Cont....

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

