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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 Mercher, 28 Hydref 2020

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 4ydd Tachwedd, 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

AGENDA

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrdach



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 7fed Hydref 2020.

1 - 6

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

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

7 - 16

5 Rhif Cod 20/0071/COU – The Rolling Mill Inn, 88 Commercial Street, Pont-y-meistr, Rhisga, Casnewydd NP11 6EE.

17 - 28

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 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, 7TH OCTOBER 2020 AT 5:00 PM

PRESENT:

Councillor R. Saralis - Chair

Councillors:

M. Adams, E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, R.W. Gough, L. Harding, A.G. Higgs, A. Hussey, B. Miles, G. Oliver (by telephone), J. Simmonds, J. Taylor, A. Whitcombe, T.J. Williams

Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy and Enterprise)

Together with:

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

1. **APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors J.E. Fussell and D.T. Hardacre.

2. **DECLARATIONS OF INTEREST**

Councillor A. Whitcombe confirmed that he had sought advice prior to the meeting in relation to Agenda Items 6 and 7 and been advised there was no requirement to declare an interest.

There were no declarations of interest received at the commencement or during the course of the meeting.

3. **MINUTES – 16TH SEPTEMBER 2020**

It was moved and seconded that the minutes of the meeting held on the 16th September 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 16th September 2020 (minute nos. 1-9) be approved as a correct record.

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

Following consideration of the application it was moved and seconded that subject to an amended condition to reflect the revised drawings received on 28.09.2020 as set out in the preface report, and the conditions contained in the Officer's original report, the recommendation for granting contained in the Officer's report be approved and in noting there were 17 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that:-

- (i) Subject to the conditions contained in the Officer's original report and the following amended condition this application be GRANTED;

Amended Condition (02)

Site Location Plan received on 14.07.2020;

Dwg No. 1 of 6 Proposed Block Plan received on 28.09.2020;

Dwg No. 3 of 6 Proposed Rear Elevation received on 28.09.2020;

Dwg No. 4 of 6 Proposed Rear Elevation with Obscurely Glazed Privacy Screens received on 28.09.2020; and

Dwg No. 6 of 6 Proposed Side Section received on 28.09.2020.

Reason

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

- (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.

5. CODE NO. 20/0517/COU - 1 LON-Y-TWYN, CAERPHILLY, CF83 1NW

Dr P. Brown and Councillor C. Elsbury spoke on behalf of local residents in objection to the application, and Mr D. Green the Applicant's Agent 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 the recommendation contained in the Officer's report be approved and in noting there were 10 For, 6 Against and 0 Abstentions this was agreed by the majority present.

It was noted that due to technical difficulties, Councillor G. Oliver (who was participating by telephone) had been unable to state her vote.

RESOLVED that:-

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

- (ii) The applicant be advised of the comments of the Council's Head of Public Protection attached to the report.

6. CODE NO. 20/0634/COU - Y FRON, MOUNTAIN VIEW, PWLLYPANT, CAERPHILLY, CF83 3HW

The Principal Planner advised Members that references in the report to Brooklands were intended to reference a property known as Broadlands.

Councillor C. Mann spoke on behalf of local residents in objection to the application, and Miss E. Harding the Applicant's Agent 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 together with amended and additional conditions in relation to landscaping and materials to be used, the recommendation contained in the Officer's report be approved and in noting there were 12 For, 4 Against and 0 Abstentions this was agreed by the majority present.

It was noted that due to technical difficulties, Councillor G. Oliver (who was participating by telephone) had been unable to state her vote.

RESOLVED that:-

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

Additional Condition (07)

Prior to the commencement of the extension a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the beneficial occupation of the extension hereby permitted. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Amended Condition (03)

Notwithstanding the submitted plans, prior to the construction of the external surfaces of the extension hereby approved details of the type and extent of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

- (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 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

- (iv) The applicant be advised that 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.
- (v) The applicant be advised of the comments of the Council's Senior Engineer (Land Drainage) attached to the report.

7. CODE NO. 20/0636/COU - 17 HIGH STREET, RHYMNEY, TREDEGAR, NP22 5NB

Due to technical issues where several Members were unable to clearly view the plans contained in the Officer's presentation, it was moved and seconded that the application be deferred to the next meeting of the Planning Committee, and in noting there were 12 For, 3 Against and 0 Abstentions this was agreed by the majority present.

RESOLVED that for the reasons set out at the meeting, the application be DEFERRED to the next meeting of the Planning Committee on 4th November 2020.

8. ANNOUNCEMENT

Before the conclusion of the meeting, Councillor A. Whitcombe advised Members that he had recently tendered his resignation as Vice-Chair of the Planning Committee, as he felt this conflicted with his new role as Chair of the Housing and Regeneration Scrutiny Committee. He expressed his gratitude to Planning Officers and Committee Members for their patience and support during his brief tenure in a role he had thoroughly enjoyed. In turn, the Chair thanked Councillor Whitcombe for his valuable service as Vice-Chair of the Committee.

The meeting closed at 7.38 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 4th November 2020.

CHAIR

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Application Number: 20/0636/COU

Date Received: 05.08.2020

Applicant: Mr J Furneaux

Description and Location of Development: 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)

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? Not Applicable.

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

Transportation Engineering Manager - No objection subject to the following conditions:

- 1) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted plans 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.
- 2) The building shall not be occupied until the proposed cycle stands have been provided, which shall be maintained in perpetuity for the use of residents and visitors. Head Of Public Protection - No objection raised subject to advice from the Housing Officer being relayed to the applicant.

Transportation Engineering Manager - No objection subject to conditions to secure car parking and cycle storage provision.

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.

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.'

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.
- Over concentration 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.

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

Policies: The application site is located within the settlement boundary as designated by the maps contained within the Caerphilly County Borough Local Development Plan (2010), and therefore the presumption is in favour of development subject to material planning considerations. In this instance, those main issues are the acceptability of the proposal in principle; the impact upon the character and appearance of the Rhymney Town Conservation Area; the amenity of the area; and highway safety considerations.

The application site is 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 the physical works associated with the 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 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 the 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. 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 formalisation of off street car parking to the front elevation. In this respect 3 car parking spaces are shown on both the proposed and existing plans. Furthermore, to the rear of the property is situated a hardstanding area which is capable of providing the cycle storage and refuse storage area. As such, 3 residents car parking spaces 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 to the elevations of the existing building. Subject to conditions relating to bicycle 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.

- 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) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority, 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 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.

- 05) The building shall not be occupied until the proposed cycle stands have been provided, which shall be maintained in perpetuity for the use of residents and visitors.
REASONS: In the interests of highway safety to ensure that adequate parking facilities are provided within the curtilage of the site.

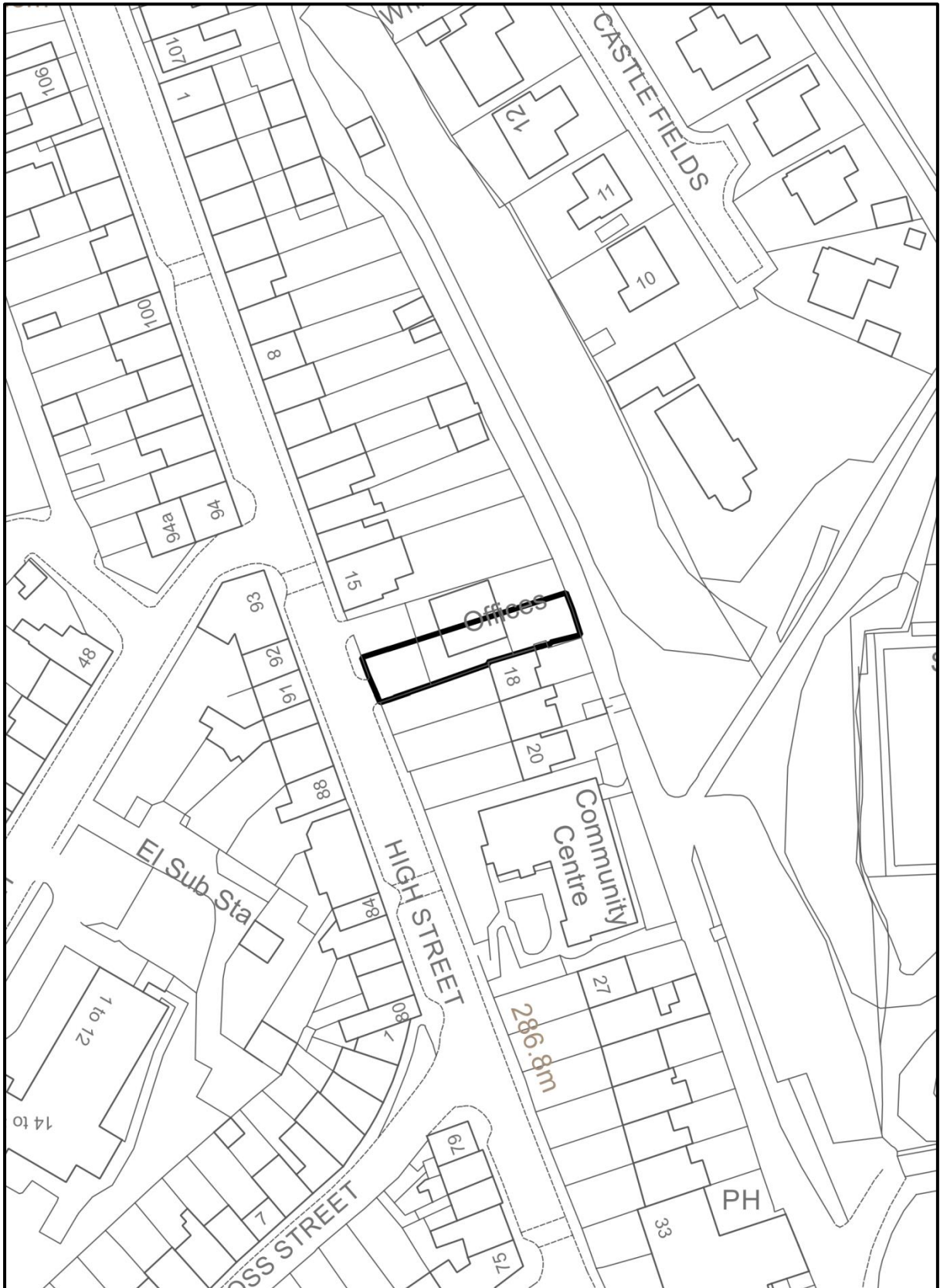
Advisory Note(s)

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). 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.



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Application Number: 20/0071/COU

Date Received: 17.09.2020

Applicant: Rolling Mill 2020 Ltd

Description and Location of Development: Change the use of the ground floor of former pub to 2 No. 2-bed flats - The Rolling Mill Inn 88 Commercial Street Pontymister Risca Newport

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on the northern side of Commercial Street, Pontymister.

Site description: Two storey detached vacant public house and associated curtilage that is bounded to the west by Maryland Road, and to the east by Llanarth Square.

Development: Planning permission is sought to convert the ground floor of the former public house into 2 No. 2-bed flats.

Dimensions: The external dimensions of the building remain unchanged.

Materials: The external finishes comprise of painted render and slate roof to match existing together with upvc windows and doors.

Ancillary development, e.g. parking: The insertion of three ground floor windows in the western elevation. Provision of 2 off-street parking spaces to serve the flats (5 in total including 3 approved in association with planning consent 18/0621/COU).

PLANNING HISTORY 2010 TO PRESENT

16/1053/COU - Change the use from A3 with residential accommodation to shop, office and 4 No. flats including new vehicle access and parking - Granted - 25.01.2018.

18/0621/COU - Change of use of 1st floor to 2 no 1 bedroom and 1 no 2 bedroom flats and alterations to existing ground floor public house - Granted - 05.11.2018.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within the defined settlement boundary of Risca/Pontymister.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor (SCC)), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5 (Protection Of the Water Environment), CW11 Affordable Housing Planning Obligations, CW15 (General Locational Constraints) and advice contained within Supplementary Planning Guidance LDP1: Affordable Housing Obligations, LDP6: Building Better Places to Live and LDP5: Car Parking Standards.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018), Technical Advice Note 12: Design (March 2016), Technical Advice Note 15: Development and Flood Risk (July 2004) and Technical Advice Note 18: Transport (March 2007).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable due to the nature of the application.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions relating to parking, surfacing materials and rainwater run-off.

Head Of Public Protection - No objection raises however informative information is provided regarding compliance with the Housing Act 2006.

CCBC Housing Enabling Officer - On this occasion the Council will not be seeking an affordable housing contribution. The reason for this is that although the size of the site reaches the threshold in the affordable housing SPG, the nature of the development, number of units being created and SPG criteria on commuted sums generates a nil contribution.

Senior Engineer (Land Drainage) - 1. The applicant has not indicated how they intend to dispose of surface water within the application form; no/limited information has been submitted for consideration.

2.The site is situated within an area susceptible to groundwater flooding.

3.The site is situated within an area susceptible to surface water flooding.

Should the planning authority be minded to grant permission, it is recommended that a condition should be imposed to any consent for a scheme to deal with land and surface water within the site.

Natural Resources Wales - We have reviewed the following additional information submitted in support of this of this application:

The Flood Consequences Assessment (FCA) states that the finished floor level (FFL) is set at 44.30m AOD.

We confirm that the proposed development site is predicted to be flood free in the 1% (1 in 100 year) plus climate change flood event. Therefore, the proposed development is compliant with A1.14 of TAN15.

In addition, based on a FFL of 44.30m AOD the proposed development is predicted to flood to a depth of 530mm which is within the tolerable limits as prescribed in A1.15 of TAN15. Therefore, the proposed development is compliant with A1.15 of TAN15. The maximum velocities within the site are between 0.39 and 0.42 metres/sec for the 0.1% flood event (defended and undefended respectively). These exceed the thresholds within A1.15 i.e. 0.15 (property) and 0.30 (access).

On that basis no objection is raised.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and one neighbour was notified by way of letter.

Response: Three letters of representation were received including one from Risca Town Council.

Summary of observations: 1. There has been no communication with the community of Llanarth Square.

2. There are no plans on the application for parking.

3. The proposal will increase existing on-street car parking pressures

4. The position of the car parking next to a junction and busy bus stop here is likely to lead to accidents.

5. Objects to the building being demolished and building flats.

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? Whilst no additional floor space is being created the development is CIL liable as the building has not been in lawful use for a period of six months within the last the three years. Consequently, the development falls within the higher viability charging area whereby CIL is charged at a rate of £40 per square metre plus indexation.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance. The main issues for the determination of this planning application are considered to be its impact in terms of visual and residential amenity; the impact on highway safety; the location of the site within a Zone C1 flood zone; and affordable housing requirements.

Strategic Policy SP6 of the Local Development Plan (LDP) sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The site is located within the defined settlement boundary of Risca/Pontymister and the development proposal provides the opportunity to create two units of residential accommodation within the southern connections corridor. Therefore the presumption is in favour of development providing material planning considerations does not indicate otherwise.

Policy CW2 sets out criteria relating to amenity and development proposals should ensure that there is no unacceptable impact on the amenity of adjacent properties or land. The proposal is considered to be compatible with neighbouring land uses and is not considered to impact upon existing levels of neighbouring amenity currently received. Turning to the external alterations proposed to facilitate the internal conversion of this building, it is considered that there are limited alterations proposed and these relate to the insertion of three windows in the western side elevation that would front onto Maryland Road. On this basis, once the external finishes of the building have been completed, it is considered that the building's exterior will enhance the character and appearance of the surrounding area.

In terms of highway safety, Policy CW3 considers highway implications and in this respect the development must have regard for the safe, effective and efficient use of the transportation network. The application site is located within walking distance to the Risca/Pontymister Principal Town Centre and also offers sustainable modes of travel in terms of its access up or down the valley. Two off-street parking spaces are proposed to serve the flats (one per flat) in addition to three previously approved off-street parking

spaces for the first floor use of the building (planning reference: 18/0621/COU). This parking provision will provide much needed relief to existing on-street parking pressures and the Transportation Engineering Manager raises no objection to the proposal subject to the imposition of a condition to secure the parking spaces prior to beneficial occupation of the development.

In terms of the location of the application site within a Zone C1 flood zone, as defined in Technical Advice Note (TAN) 15: Development and Flood Risk, paragraph 6.2 of TAN15 states:-

"New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land; and,
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable."

In response to these criteria, it is considered that the following points are relevant to the proposed development:

- i) The proposed development will bring a vacant building in the town centre back into beneficial use and will provide much needed residential accommodation;
- ii) The development will provide short term employment opportunities during the conversion of the building but will provide long term support to the social and economic function of the town centre.
- iii) The application site meets the definition of previously developed land; and
- iv) NRW conclude that the proposed development is acceptable based on the submitted Flood Consequences assessment subject to providing informative advice to the developer.

On this basis the Local Planning Authority is satisfied that the risks and consequences of flooding can be managed in accordance with TAN15.

Policy CW11 of the LDP requires provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15 ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

In that respect, in that the conversion of the first floor element of the building to three residential units of accommodation has previously been approved (planning reference: 18/0621/COU), the proposed development would trigger the cumulative threshold on the site of 5 or more dwellings and would therefore require for the developer to enter into a planning obligation to provide affordable housing.

The Housing Enabling Officer has considered the proposal and has confirmed that on this occasion the Council will not be seeking an affordable housing contribution as the nature of the development, number of units being created, and the criteria specified in supplementary planning guidance LDP 1 relating to commuted sums generates a nil contribution. Therefore the proposed development will not require the developer to enter into a Section 106 agreement to secure affordable housing.

In conclusion, the ground floor conversion of this building represents an opportunity to bring a vacant building back into beneficial use and will contribute to the socio-economic function of the area, as well as creating two additional units of residential accommodation in a highly sustainable location. The proposal therefore complies with policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from consultees: The Transportation Engineering Manager raises no objection subject to the provision of the two car parking spaces to be made available prior to beneficial occupation of the development.

Comments from public: 1. There has been no communication with the community of Llanarth Square - 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.

2. There are no plans on the application for parking - Off car parking provision is indicated on the ground floor plans. The proposal intends to provide two off street car parking spaces (1 space per flat).

3. The proposal will increase existing on-street car parking pressures - At present the vacant public house does not benefit from off-street car parking provision. Off-street car parking will be provided to serve the proposed development and based on the existing lawful use of the site, and its associated car parking demand, it is not considered that the level of parking proposed is unacceptable.

4. The position of the car parking next to a junction and busy bus stop here is likely to lead to accidents - The Transportation Engineering Manager has considered the application in the same manner as the previous consents and has raised no objection to the proposal, therefore it is not considered that the development will be detrimental to highway safety.

5. Objects to the building being demolished and building flats - The application proposes internal conversions works to the former public house in order to provide two units of residential accommodation, the proposal does not involve demolition of the building.

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.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan received on 27.01.2020;
Proposed Ground Floor Plan received on 27.01.2020; and
Proposed Elevations received on 27.01.2020
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.

REASON: To ensure the development is served by an appropriate means of drainage in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) The building shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) The proposed parking area shall be completed in permanent materials, details of which shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

REASON: To ensure loose stones or mud etc, are not carried on to the public highway in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Rainwater run-off associated with the parking area hereby approved shall not discharge into the highway surface-water drainage system.

REASON: To safeguard the highway drainage system in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.

REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety in accordance with policies CW2, CW3 and SP6 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 and CW3.

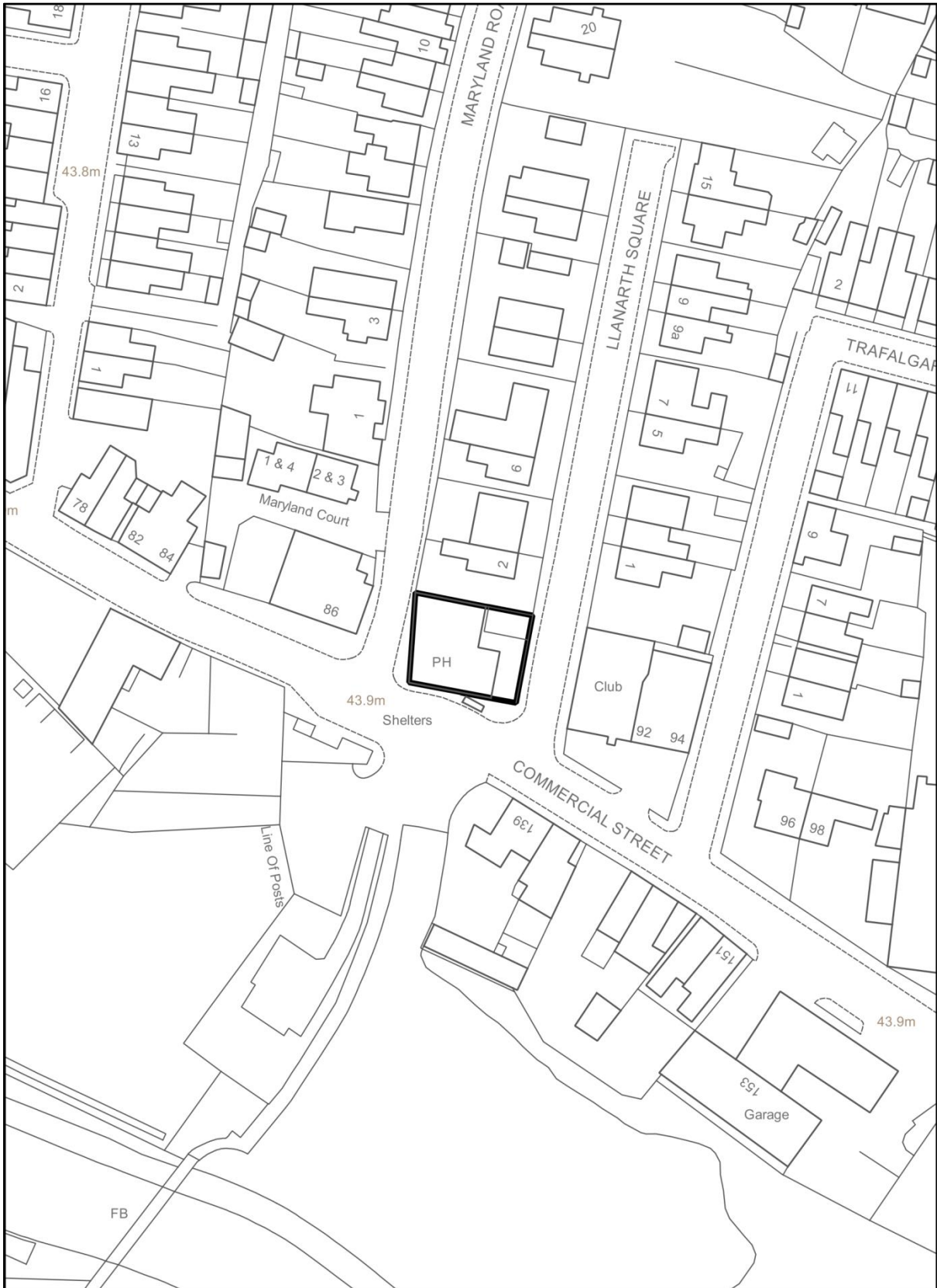
Please find attached the comments of The Transportation and Engineering Manager that are brought to the applicant's attention:

Before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

The applicant should also be made aware that it will be a requirement to relocate the street lighting column and telegraph pole in order to provide access to the parking spaces. The relocation of the street lighting column can be arranged via the Council's Street Lighting Department whilst the relevant statutory undertaker can assist with the relocation of the telegraph pole.

Please find attached the comments of Natural Resources Wales that are brought to the applicant's attention.

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