

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0024/FULL 18.02.2014	Mr J Pannu 69 Commercial Road Newport NP20 2PF	Erect new residential development of four 6 bedroom dwellings and three affordable units with associated external works, parking and new garden areas, plus new access road and footpaths Fwrrwm Ishta Inn 68 Commercial Road Machen Caerphilly CF83 8PG

**APPLICATION TYPE:** Full Application

#### SITE AND DEVELOPMENT

Location: This application site is on the south side of Commercial Road, Machen, adjoining the former Fwrrwm Ishta pub.

Site description: The site was the parking area associated with the pub, and is laid mainly to tarmac. The River Rhymney runs along its southern boundary.

Development: It is proposed to erect seven dwellings, four of which would be six-bedroom detached with double garages, the other three being built in a block consisting of one two-bedroom dwelling, and two one-bedroom flats.

Dimensions: The site has an area of 0.3ha. The detached houses would measure almost 18m by 8.65m by 8.4m high to the ridge. The block of three dwellings would be 12m by 9.6m by 8.2m to the ridge.

Materials: A mixture of brickwork, stonework, render and concrete roof tiles.

Ancillary development, e.g. parking: A new private road with access off Commercial Road would serve the four detached houses. Each house would have a double-garage and two parking spaces. The other dwellings would be served off an existing lane that runs along the western side of the former pub, and a total of four parking spaces would be provided.

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### PLANNING HISTORY

06/0113/ADV - Erect free standing sign - Granted 18.10.06.

06/0145/FULL - Erect raised decking - Granted 15.09.06.

12/0063/COU - Temporary erect marquees and gazebos to host a rural market on a monthly basis of up to 10 events a year, between the hours of 10.00 a.m. and 2.00 p.m. on a Saturday only, in part of the car parking area of the Fwrrwm Ishta Inn - Refused 15.10.13.

13/0595/COU - Change the use from A3 (pub/restaurant) to C3 (residential), alter and refurbish existing Fwrrwm Ishta public house to create new five-bedroom single family dwelling with associated external works, parking and new garden area - Granted 28.11.13.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement, and its riverside boundary is within a site of importance for nature conservation (SINC).

#### Policies:

SP3 Development Strategy in the Southern Connections Corridor

SP4 Settlement Strategy

SP5 Settlement Boundaries

SP6 Place Making

SP7 Planning Obligations

SP10 Conservation of Natural Heritage

SP14 Total Housing Requirements

SP15 Affordable Housing Target

SP21 Parking Standards

CW2 Amenity

CW3 Design Considerations: Highways

CW4 Natural Heritage Protection

CW11 Affordable Housing Planning Obligation

CW15 General Locational Constraints

NH3 Sites of Importance for Nature Conservation (SINCs)

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NATIONAL POLICY Planning Policy Wales (2014), TAN12 Design, and TAN15 Development and Flood Risk.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The applicants submitted a coal mining risk assessment (CMRA) and The Coal Authority is satisfied with its content and proposals for accommodating the mining legacy.

### CONSULTATION

Bedwas, Trethomas & Machen Community Council - Has requested more details, drawings and specifications.

The Coal Authority - No objections

Transportation Engineering Manager - Objection is raised because the smaller dwellings are served off a private lane over which the applicant does not appear to have control. Also it is not clear whether adequate visibility can be achieved at the junction with Commercial Road, and whether a continuous footway to the dwellings could be provided.

Head Of Public Protection - No objections subject to conditions concerning dust and noise control during construction.

Senior Engineer (Land Drainage) - No objections subject to conditions concerning drainage. Attention is drawn to the location of the site within a flood zone identified by TAN 15.

Dwr Cymru - No objections subject to conditions, and attention is drawn to two sewers running through plot 4, close to which no development will be allowed.

Countryside And Landscape Services - No objections subject to details of landscaping.

Conservation & Design Officer - No objections - the scheme does not have a significant impact on any listed buildings, including the war memorial.

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CCBC Housing Enabling Officer - 40% affordable housing would be needed amounting to three units consisting of one 2-bedroom house, and two 1-bedroom flats.

Police Architectural Liaison Officer - No objections, but the scheme should be designed to Secure by Design standards.

Natural Resources Wales - The purpose of a flood consequences assessment (FCA) is to ensure that all parties, are aware of the risks to, and from, the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding. The evidence submitted in the FCA does not demonstrate this, therefore, NRW objects to this application in its current form.

Outdoor Leisure Development Officer - No objections subject to a financial contribution to outdoor leisure in the locality.  
Manager -

### ADVERTISEMENT

Extent of advertisement: Twenty neighbouring properties were consulted, and the application advertised on site and in the press.

Response: Two letters have been received.

### Summary of observations:

- A valuable asset and amenity has been removed from the village of Machen now the Ffwrwm Ishta has been turned into a domestic property.
- More social/affordable housing should be provided for the young people of Machen not six -bedroom properties. Who in Machen will be able to afford such properties?
- Planning gain should be a consideration and the developer should return something of use to the residents of Machen, such as improving road safety measures i.e. safe pedestrian crossings throughout the village - at least two more - together with other traffic calming measures.

### 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.

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## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes, it is liable, and the charge in the event of an approval of planning permission would be £54,909.

## ANALYSIS

Policies: The site is within the settlement defined in the LDP where housing schemes of this type are acceptable in principle. The design, appearance and layout of the scheme, and the relationship with neighbouring properties are generally acceptable. The main issues that cause concern are access to the affordable dwellings, and flooding.

The affordable housing turns its back on the remainder of the development and faces a lane that currently serves three large garages on the western side of the site. Ideally the affordable housing should be integrated with the other houses but that would not amount to a reason for refusal. However, the lane is privately owned, and it is not included within the application site. The developer has not shown that he has control over the lane to provide access to those properties, that the necessary visibility splays can be provided at the junction with Commercial Road, or that a pavement can be provided for the full length of the lane.

Part of plot 3 and the whole of plots 4, 5, 6 and 7 would be within flood zone C2 as defined in Welsh Government TAN 15 Development and Flood Risk. That document states that:

"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,

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- iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); 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."

The development does not comply with either of the first two tests. The site is previously developed land in that it was the car park to the pub so the scheme is satisfactory on the basis of the third test. However, NRW have advised that the submitted FCA does not demonstrate that all parties are aware of the risks to, and from, the development, and that measures will be taken to ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

Comments from Consultees: Apart from those of the Transportation Engineering Manager, and the NRW, which are considered above, there are no adverse comments from other consultees.

Comments from public: The comments received as a result of neighbour publicity would not justify reasons for refusal in this case.

Other material considerations: At present the local planning authority does not have a five-year housing land supply. The current supply is some 1.9 years, and that is a material consideration in determining any application for housing. However, the delivery of sufficient dwellings, including affordable housing, would not outweigh the significant objection to this scheme on flood risk grounds.

**RECOMMENDATION that Permission be REFUSED**

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

- 01) The applicant has failed to demonstrate that he has sufficient control over the lane on the western side of the site to provide vehicular and pedestrian access to the dwellings at plots 5, 6 and 7, that the necessary visibility splays can be provided at the junction with Commercial Road, or that a pavement to those dwellings can be provided for the full length of the lane. Without those facilities the development would be contrary to policy CW3 of the Caerphilly County Borough Local development Plan up to 2021 – Adopted November 2010.

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- 02) The development would not be necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; nor would it be necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region. The submitted FCA does not demonstrate that all parties are aware of the risks to and from the development, and that measures will be taken to ensure that if practicable appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding. Therefore the location of part of plot 3 and the whole of plots 4, 5, 6 and 7 of the development in a 'C' flood zone would be contrary to Welsh Government Technical Advice Note 15 Development and Flood Risk.

