

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0023/COU 27.01.2015	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Retain A1 use part ground floor and convert upper floors to residential Manchester House 1 Clifton Street Caerphilly CF83 1HA

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Clifton Street with Van Road.

Site description: The application property is a large and imposing corner property that is currently vacant but has most recently been used as a furniture shop. The building is largely two storeys with some accommodation in the roof space of part of the building. It is finished in render with a part tiled roof, with part of the roof being flat.

The part of the building on the very corner has the accommodation in the roof space and has an apex roof with a chamfered corner feature in keeping with many Victorian or Edwardian corner buildings. To the left of this and facing onto Van Road is a further two storey element that has a flat roof whilst to the right and facing onto Clifton Street is a single storey element.

As stated above the building is currently vacant but it is a long established retail premises with retail to the majority of the ground and first floors. There is a small area of storage to the ground floor with living accommodation to approximately one third of the first floor and in the roof space.

The property is located on the edge of Caerphilly Town Centre with a public house to the north and on the opposite side of Van Road, the new Caerphilly Library to the west and on the opposite side of Clifton Street, and residential property to the east and south along Van Road and Clifton Street.

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Development: The application seeks full planning consent for the change of use of the building to a mixed use of retail and residential. The use will encompass the retention of a retail use to the majority of the ground floor together with the provision of staff facilities, a store room, bin stores for the retail unit and the flats, a cycle store and stair access. There will then be 6 flats to the first floor (with the living room of one of the flats being on the second floor) including five two-bedroom flats and one one-bedroom flat. The flats will be accessed via the stairwell from the ground floor with a doorway off Clifton Street. Each flat will then have a separate access within the building off a shared corridor.

Some alterations to the exterior of the building are also proposed including the erection of an extension to the first floor of the single storey element on Clifton Street, the addition of three new windows and two new doors into the Clifton Street elevation, two new windows into the south elevation (facing the side of number 2 Clifton Street) and five new windows into the east elevation (facing the side of number 1 Van Road).

Materials: All windows and doors are to be repaired in matching materials with the exterior render being repaired. The extension will have a flat membrane roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

No previous planning history.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

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Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development gives advice on extensions and conservatories.

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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

CONSULTATION

Dwr Cymru - Provides advice to be conveyed to the developer.

Transportation Engineering Manager - No objection is raised given the less intensive demand in parking terms of the proposed uses against the existing uses of the premises, when measured against LDP 5 Car Parking Standards.

CCBC Housing Enabling Officer - The developer will need to provide 40% affordable housing on this site.

Head Of Public Protection - No objection subject to conditions.

ADVERTISEMENT

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

Response: 12 letters of objection were received.

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Summary of observations:

- 1 Loss of privacy;
- 2 Lack of off street car parking;
- 3 Increased noise pollution;
- 4 This town centre property should be put to better use;
- 5 Detrimental impact on the character of the area;
- 6 Additional danger to pedestrians;
- 7 This type of accommodation is not required in this area;
- 8 The proposal would increase pollution in the area;
- 9 Concerns that the applicant will be unable to manage and maintain the property correctly;
- 10 The proposal will affect bats;
- 11 The building is not fit for purpose.

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 the bat survey submitted with the application it is possible that Pipistrelle bats may roost in the building. In that regard the developer will need to apply for a Development Licence prior to any works commencing on site.

Is this development Community Infrastructure Levy liable? Yes. Based on an increased residential floor area of 242.33 square metres an amount £9,693.20 is payable. However, the developer may be eligible for relief for the affordable housing element.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application property is situated within settlement limits and on the edge of the defined town centre with residential properties nearby. In that regard it is considered that the principle of a mixed use retail and residential use in this area is acceptable in planning terms. Indeed from an economic development perspective, the mixed use (and bringing this currently vacant property back into beneficial use) would have a positive impact on the area and would help to maintain the vitality and viability of the town centre.

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Notwithstanding the above comments the main points to consider in the determination of this application are the objections raised by members of the public and they will be considered in turn below.

1 It is accepted that the application proposes the introduction of new windows into the eastern and southern elevations of the building, which would face the properties at 1 Van Road and 2 Clifton Street respectively. However, it should also be noted that the application proposes to fit obscure glazing to the bottom half of those windows up to a height of 1.5m from ground level. It is considered that this would give an adequate degree of privacy to the neighbouring properties as any views into the rear gardens of those dwellings would be restricted and would result more in looking over rather than overlooking. It should also be noted that the windows in the southern elevation would face the pine end of the dwelling at number Clifton Street and as such there would be no direct overlooking in any event.

2 In terms of off street parking the Transportation Engineering Manager has offered the following comments: -

'No objection is raised given the less intensive demand in parking terms of the proposed uses against the existing uses of the premises, when measured against LDP 5 Car Parking Standards.'

It is calculated that the existing uses at the property require a total of 13.5 parking spaces whilst the proposed uses require 11 spaces which results in a net reduction in spaces. The central and sustainable location of the property also has to be taken into account with the building being located on the edge of the town centre with local amenities nearby and regular public transport services in the area. In that regard it is not felt that the lack of off street parking would be unacceptable in planning terms or that it would justify the refusal of the application.

3 The application property is an established retail premises within a defined town centre and it is on this basis that the noise impacts of the development have to be judged. The proposed use would lead to a reduction in the scale of the retail use in the building which should be beneficial in terms of noise nuisance whilst residential development is unlikely to have a detrimental impact on the amenity of neighbouring residential uses. In that regard it is not felt that the proposal would have a detrimental impact as a result of noise nuisance. It should also be noted that The Head of Public Protection has suggested conditions restricting the operational hours of the retail unit in order to protect the amenities of the occupiers of the flats and this should have a positive impact in terms of the amenity of neighbouring dwellings also.

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4 Whilst it may be considered that an alternative retail or commercial use of the application property would be preferred the Local Planning Authority has a duty to determine the application as submitted and considered it on its own planning merits.

5 It is considered that a mixed use of residential and retail at this edge of town centre location would be in keeping with the mixed use character of the area.

6 The application has been considered by the Transportation Engineering Manager in terms of highway safety and no objection has been raised. It is not considered that a mixed use would result in any increased dangers to pedestrians than the existing use.

7 Whilst it is not for the Local Planning Authority to consider whether this type of accommodation is required in this area, it is considered that this assumption is incorrect. The Council's Local Housing Market Assessment produced in April 2015 identifies a need for 1-and 2- bedroom units in the Caerphilly area and this development meets that need.

8 The application has been assessed by the Head of Public Protection and no objections have been raised. Whilst the proposed extension may increase the canyon effect alluded to by the objector it is not felt that this would lead to a marked increase in pollution. Moreover, it is considered that the lack of off street car parking in this development would be of benefit in terms of air pollution as it would result in less vehicular movements in the area.

9 The applicant's inability to manage and maintain the premises is not a valid reason to refuse the application.

10 A bat survey has been submitted with the application and this has been assessed by the Council's Ecologist. It is considered that there may be potential impacts on bat roosts but that this can be adequately covered by condition.

11 The objector has not stated why it is considered that the building is not fit for purpose. In any event it is not for the Local Planning Authority to consider this in this instance.

Comments from consultees: No objections raised. With regard to the conditions requested by Head of Public Protection and the Council's Ecologist it is considered that these are reasonable and necessary to make the application acceptable in planning terms.

Comments from public: Addressed above.

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Other material considerations: In conclusion it is considered that the proposed development would be acceptable in planning terms. The re-introduction of a retail use into this vacant premises together with the introduction of the residential use to the first floor would have a beneficial impact on the vitality and viability of the town centre and as such the proposal has economic benefits to the wider area. It is not felt that there would be any detrimental impacts on highway safety, amenity or privacy as a result of the proposal and the housing provision would meet an identified need in the area.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement in order to secure affordable housing as set out above. On completion of the Agreement (B) 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) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.
- 03) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 10 The outline Method Statement of the Bat Survey Report dated December 2014, prepared by Richard Watkins unless otherwise agreed in writing by the Local Planning Authority. The details shall be implemented before the development hereby approved is first occupied.
REASON: To ensure adequate protection for protected species.
- 04) Bat activity surveys to monitor the new bat roosts within the development hereby approved shall be carried out by a competent ecologist between May to August for a minimum of 2 years post-completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.
REASON: To provide information on the success of the bat roost mitigation, in the interests of biodiversity.

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- 05) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, 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.
- 06) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the property at 1 Clifton Street, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 07) The use hereby permitted shall not be open to customers outside the following times 08.00hrs to 18.00hrs Monday to Saturday 10.00hrs to 16.00hrs on Sundays.
REASON: In the interests of residential amenity.
- 08) No deliveries shall be taken at or dispatched from the site outside the hours of 08.00hrs to 18.00hrs Monday to Saturday with No deliveries on Sundays.
REASON: In the interests of residential amenity.

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: .

Please find attached information in relation to bat and bird boxes.

