

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0836/FULL 22.01.2015	Oakfield Street Surgery Ms S Emery Oakfield Street Ystrad Mynach Hengoed CF82 7WX	Create new pedestrian access onto site The Surgery Oakfield Street Ystrad Mynach Hengoed CF82 7WX

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The Surgery, Oakfield Street, Ystrad Mynach.

Development Description: This application seeks permission for a new pedestrian entrance to Oakfield Surgery at the north-west corner of the surgery's rear forecourt. To the northwest of the application site is a lane providing access to a number of business, community and residential properties which front Bedwlwyn Road, Pengam Road or Oakfield Street. A builder's merchant yard has an access onto the lane. The lane also provides the surgery's northern boundary and an access lane with Pengam Road at a higher level. To the east is a public car park and to the South is Oakfield Street.

Dimensions: 1 metre wide and 2 metre high new steel access gate

Materials: Steel access gate.

Ancillary development, e.g. parking: Alterations to Surgery car park layout to incorporate a new pedestrian path.

PLANNING HISTORY

5/5/92/0607 - Construct entrance porch and minor changes to existing elevations.-
Granted 06.11.92.

P/96/0737 - Construct access road and extension to existing car park - Granted
19.12.96.

P/97/0342 - Extend surgery car park into public car park - Granted 24.07.97.

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09/0640/FULL - Erect extensions on upper and lower ground floor levels - Refused 12.11.09.

10/0024/FULL - Erect two-storey rear extension - Granted 04.03.10.

12/0342/FULL - Erect two storey and single storey extensions in cavity (masonry construction under a pitched tiled roof) to provide additional clinical and administration space - Granted 06.07.12.

POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints, SP6 (Placemaking).

NATIONAL POLICY Planning Policy Wales (2014), Technical Advice Note 12: Design.

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? Yes, attach advisory note.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions and informatives.

Head Of Public Protection - No objections to the development, requests advisory note.

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Senior Engineer (Land Drainage) - No comments.

Gelligaer Community Council - Objection on the grounds of loss of parking.

Principal Valuer – No comments.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 18 notification letters sent to surrounding residential properties and businesses. A re-consultation exercise on amended plans has been undertaken and at the time of writing this report the consultation period has yet to elapse.

Response: Two letters were received relative to the original consultation exercise. One letter is an objection to the application and the other is an email which identifies that it is not an objection but seeks to raise concerns. Any further representations received in relation to the re-consultation will be reported to members at Planning Committee.

Summary of observations:

The objection letter received raised the following matters:-

- Concerns in relation to the Design and Access Statement that it has underestimated the usage of the access lane. Highlights that the access lane is used to access four properties. The white line on the lane was used to act as a pavement, rather than a raised kerb as the use of a kerb would mean there would be insufficient room for Vehicle access.
- Heavy Good Vehicles (including refuse vehicles) have to reverse up/down the lane as there is insufficient room to manoeuvre into Oakfield Street. The lane is also used as a "short cut" to access the surgery and nearby Girls School. Highlights congestion on Oakfield Street.
- Proximity of the proposed access to the bend in the lane.
- Considers the proposal is extremely hazardous and an "accident waiting to happen."
- Suggests a proposal for a relocated entrance to the eastern edge of the surgery forecourt.

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The email raises the following concerns:-

- Considers the lane is used as a "rat run" between Pengam Road, the car park and Oakfield street.
- Expresses a view that the lane was originally envisaged for the sole purpose of allowing deliveries by commercial vehicles to the Builder's Merchant in the lane. The lane was to be for "access only" but this has never been enforced (or rescinded).
- Cites observations of cars using excess speed around the corner and often when their view is obscured by vehicles collecting from the Builder's Merchant.
- Requests if application be granted that actions be taken to make area safer. There needs to be restricted speed limit and/or enforcement of the access only condition..
- Due to the current situation the author states they can no longer exit their garage onto the lane without another person standing in the lane to stop traffic to prevent a collision.
- Volume of traffic in lane is greater than implied in photographs included in the design and access statement. Particularly when parents of pupils at Lewis Girls School are using the lane as a short cut.
- Concern that there are very considerable dangers that would be posed to patients, particularly mothers and children when accessing the clinic from this new entry point.

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? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The development is not chargeable as no floor space is created.

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ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main planning consideration in relation to the application is deemed to be the impact of the proposed development on highway safety. This application seeks permission to install a new pedestrian access gate into the rear car park forecourt area of the surgery to provide an alternative additional means of pedestrian access to the surgery.

The relevant Local Development Plan Policy is Criterion A of Policy CW3 (Highways) requires that development must have regard "for the safe, effective, and efficient use of the transportation network." The representations made to the application have raised concerns in relation to Highway Safety issues within the rear lane however the existing circumstances in the lane is an important consideration. It is highlighted that currently the lane includes a white lined area for pedestrians to use on part of the lane and whilst this would be extended to accommodate the route to the new pedestrian access gate it is not introducing a new circumstance with vehicles and pedestrians using the lane.

In addition it is noted that there is an existing set of steps providing pedestrian access to and from Pengam Road which accesses onto the rear lane at a point some 15 metres from the location of the proposed new pedestrian access gate. It is therefore considered that for some pedestrians currently utilising these existing steps to access the surgery the new access gate may significantly shorten their current route to accessing the surgery via the lane.

It is acknowledged that the provision of the new gated access will in all likelihood increase pedestrian use of the existing demarked area on the lane but the Highway Authority have considered the application and have offered no objections to the development. The concerns raised in relation to the lane are noted but subject to the proposed lining works in the carriageway recommended by the Highway Authority it is considered that the development is acceptable in all regards.

Comments from consultees: The Highway Authority were involved in discussions with the applicant's which led to an amendment in the positioning of the proposed gate to avoid loss of parking provision.

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Comments from public:

It is noted that various safety concerns have been raised by the representations received. The Highway Authority has offered no objection to the development and the current portion of the lane has an existing white lined area to demark a zone for pedestrians to use. The amended location for the access gate has been submitted following consultation by the applicant with the Highway Authority. It has been clarified in discussions with the Highway Authority there is no prohibition on vehicular access to the lane contrary to this being inferred in the representations received.

Other material considerations: None

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 proposed gate shall be fitted so as not to open out over the highway.
REASON: In the interests of highway safety.
- 03) Use of the new entrance gate shall not commence until the proposed extension to the existing white line as shown (and indicated for identification purposes with a dashed line) on drawing number: AL-C-04-Rev A has been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority.
REASON: In the interests of highway safety.
- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
- Existing and Proposed Site Layouts AL-C-04 revision A.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Advisory Note(s)

The proposed white lining works shall be undertaken using a competent white lining contractor with both the appropriate licenses to work within the highway, along with an adequate level of public liability insurance. For the avoidance of doubt, the applicant should be advised to contact the Highways Operations Group on (01495) 235323 in this respect. Any unlicensed work in, or disturbance of, the highway will be considered to be causing damage to the highway which is an offence under the Highways Act 1980, and may result in legal action being taken in order to rectify matters.

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).

The applicant is advised to contact the Environmental Health Officer on 01495 235028 to discuss management of pedestrian access within the site.
