

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0670/FULL 24.08.2015	Mr K McCole 29 Brynfedw Bedwas Caerphilly CF83 8AP	Demolish former church and erect two dwellings Former Saron Congregational Church Pandy Road Bedwas Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the uncton of Pandy Road with Clos Pandy.

Site description: The application site is the site of a now vacant chapel building and associated garden area. The chapel is a single storey stone building with a tiled roof. There is a small extension to the rear of the building that is finished in profile sheeting with a profile sheeting roof. The site is within a residential area with dwellings on all sides. The site is currently accessed via a pedestrian gateway onto Pandy Road with no vehicular access to the site. The site is flat with the garden area to the side of the building having a number of mature trees and plants.

Development: The application seeks full planning consent for the demolition of the chapel and the erection of two detached dwellings. Each of the dwellings would be two storeys with accommodation in the roof comprising an integral garage, living room, kitchen/diner, w.c and utility on the ground floor, four bedrooms and a bathroom on the first floor and two bedrooms and a bathroom in the roof space. The dwellings would be accessed via new drives off Clos Pandy with parking for three vehicles being provided either in the garage or on the drive. The existing trees on the site are to be retained in what will now become the rear garden of the dwellings.

Dimensions: The application site measures 25m by 29m whilst each dwelling measures 8.5m by 10m by 8m high.

Materials: The dwellings are to be finished in face brickwork with a tiled roof.

Ancillary development, e.g. parking: None.

Cont....

Planning application 15/0670/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

13/0364/COU - Change use from church to residential dwelling - Granted 23.10.14.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodlands and Hedgerow Protection) and CW15 (General Locational Constraints).

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.

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 (2012) 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

Bedwas, Trethomas & Machen Community Council - Raises objection to the application on highway safety grounds.

Transportation Engineering Manager - No objection subject to conditions.

Countryside And Landscape Services - No objection subject to conditions.

Cont....

Planning application 15/0670/FULL Continued

Royal Commission on Ancient and Historic Monuments in Wales - No objection subject to the imposition of a condition requiring the submission of a photographic record of the chapel.

Head Of Public Protection - No objections subject to conditions concerning dust, noise, means of demolition and the importation of materials.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru/Welsh Water - No objections subject to conditions concerning sewerage.

ADVERTISEMENT

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

Response: 13 letters of objection together with a petition containing 251 signatures has been received.

Summary of observations:

1. The existing chapel should be retained for its historic value.
2. Development of the site would lead to the loss of existing on street parking spaces on Clos Pandy thereby causing parking issues elsewhere in the area.
3. The previous consent to convert the chapel into one dwelling should be implemented.
4. The large dwellings are out of keeping with the character of the area.
5. The chapel should be retained as a community resource.
6. The dwellings would have an overbearing impact on the adjacent dwellings.
7. The proposal will cause a loss of light to neighbouring properties.
8. Bats would be disturbed during the development.
9. There would be a loss of privacy to neighbouring dwellings.

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.

Cont....

Planning application 15/0670/FULL Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? An ecological survey was submitted with the application that sets out mitigation measures to deal with protected species and it is considered that this can be adequately addressed by the imposition of suitably worded conditions.

Is this development Community Infrastructure Levy liable? Yes, based on an additional floor area of 194.2 square metres at £40 per square metre a CIL amount of £7768 is payable.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is located within a mainly residential area where the principle of residential development is considered to be acceptable. As such the main points to consider in the determination of this application are the objections raised by local residents and each of these will be dealt with in turn below:

1. The Royal Commission on the Ancient and Historic Monuments in Wales have been consulted on this application and have commented that this is a plain and modest chapel and that there would be no objection to its loss subject to a photographic survey being taken of the building. The Chapel is also not listed and has no historic importance that would justify its retention in planning terms. In that regard it would not be reasonable to refuse the application on the basis that the chapel should be retained.
2. Whilst there are a number of parking spaces to the side of the existing building on Clos Pandy and some of these would be lost as a result of this development it would not be reasonable to refuse this application on that basis. Existing users of these parking spaces have no control over them as they form part of the adopted highway and as such there would be nothing to stop users of the chapel at present from parking in this area. Indeed, if the chapel were to be converted to a dwelling (as approved by consent 13/0364/COU) a new drive could be created in this location which would also lead to the loss of these spaces. Moreover, adequate off street parking is provided as part of the scheme and as such it would be difficult to justify refusal of this application on parking grounds.
3. Whilst residents would prefer to see the existing chapel converted into a single dwelling the Local Planning Authority has to consider the application before it on its own merits.

Cont....

Planning application 15/0670/FULL Continued

4. Given that there is a mixture of house styles and sizes in the area, including a number of detached dwellings on Clos Pandy, it is not felt that the proposed dwellings are out of keeping with the character of the area.
5. The chapel is now in private ownership and there is no prospect of it being brought back into community use. Moreover, there is no legislation or planning policy that would support such a decision and as such refusal would not be justified in that respect.
6. The application dwellings are 7.9m tall with the nearest adjacent dwelling being to the north and some 4m away. The pine end of the application property would face the pine end of the nearest dwelling and there are no habitable room windows in either elevation. In that regard it is not felt that there would be any overbearing impact on that dwelling. With regard to the dwellings on the opposite side of Closs Pandy and Pandy Road they are a minimum of 20m away from the proposed dwellings and as such there would be no overbearing impact.
7. Again, given the distances between the existing properties and the proposed dwellings it is not considered that there would be any loss of light as a result of this proposal.
8. A bat survey has been submitted with the application and it is considered that the impact on protected species can be adequately mitigated and controlled by suitably worded conditions.
9. The habitable room windows in the application properties have been sited a minimum of 21m away from the habitable room windows in the adjacent dwellings and as such it is not felt that there would be any loss of privacy as a result of this development.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitably worded conditions.

Comments from consultees: No objections raised.

Comments from public: These are considered above.

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.

Cont....

Planning application 15/0670/FULL Continued

- 02) Prior to the commencement of works on site a scheme of land drainage 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 they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 04) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 05) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner.
- 06) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Design and Access Statement, KM03/02 (Site Plan), KM03/03 (House Type1), KM03/03 (House Type2), KM03/03A (Block Plan), Protected Species Survey Report and Supplementary Bat Report (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont....

Planning application 15/0670/FULL Continued

- 07) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, 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.
- 08) 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 in the new dwellings at former Saron Church, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are 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.
- 09) 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 new dwellings at former Saron Church, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are 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.
- 10) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.

Cont....

Planning application 15/0670/FULL Continued

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 12) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
 - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
 - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
 - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
 - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
 - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
 - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
 - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),

Cont....

Planning application 15/0670/FULL Continued

- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

REASON: In the interests of visual amenity.

- 13) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
 - b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity.

Cont....

Planning application 15/0670/FULL Continued

- 14) Prior to the commencement of work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development or its occupation, whichever is the sooner.
REASON In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 15) Prior to the commencement of work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development or its occupation whichever is the sooner.
REASON In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

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, CW3 and CW4.

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

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.

Cont....

Planning application 15/0670/FULL Continued

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).
