

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0950/COU 04.11.2016	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Change the use to A1 use part ground floor, upper floors converted 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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## Application 16/0950/COU Continued

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 4 x 2 bedroom flats to the first floor (with one of the bedrooms for flat 3 being located on the second floor). An amenity area for the flats will also be incorporated on the first floor through the demolition of part of the existing internal structure to the rear. 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 demolition of part of an existing extension to the rear of the first floor. Whilst part of the extension will be demolished, the current walls surrounding the extension will remain to create an open lightwell/courtyard where potted trees are proposed. This will provide screening for the existing residents at 1 Van Road to prevent overlooking. In addition to the open lightwell, there are three new windows and three new doors proposed into the Clifton Street elevation. In order to prevent overlooking, there is only 1 new window proposed onto the south elevation (facing the side of number 2 Clifton Street) which is set back and overlooks the proposed open lightwell and landscaping, and three new windows set back into the east elevation (facing the side of number 1 Van Road) which will also overlook the proposed open lightwell and trees. These flats will not have visibility onto the residents at 1 Van Road due to the exterior wall facing these elevations being maintained and creating the lightwell/courtyard.

Materials: All windows and doors are to be repaired in matching materials with the exterior render being repaired. A walkway to the flats will be covered by a glass roof, creating a glazed walkway.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY 2005 TO PRESENT

12/0575/FULL - Erect a mansard roof incorporating a 1 bed flat - Withdrawn 14.09.15.

15/0023/COU - Retain A1 use part ground floor and convert upper floors to residential - Refused 05.11.15.

## POLICY

## LOCAL DEVELOPMENT PLAN

Site Allocation: Within settlement limits.

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Application 16/0950/COU Continued

Policies: 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).

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 PLANNING GUIDANCE

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2016) 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

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection.

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

#### ADVERTISEMENT

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

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Response: As the consultation process is still underway at the time of writing this report for Planning Committee, any comments received after the end of the consultation deadline will be reported directly to Members at Planning Committee.

Summary of observations: At the time of writing the report one letter of objection had been received from the occupier of No. 2 Clifton Street. The objector states that the two windows in the south elevation facing his property together with the rear fire escape overlook his kitchen and garden, and suggests that this is one of the reasons that the earlier appeal was dismissed by the Planning Inspector.

### 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 199.48 square metres an amount £7979.20 is payable.

### ANALYSIS

Policies: This amended 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 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. Additionally, there is a recent Planning Appeal Refusal on this site, which was dismissed on 25.07.2016.

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## Application 16/0950/COU Continued

The overriding concern here is whether this amended scheme addresses the issues for refusal at appeal in 2015. Essentially, the concerns raised by the Planning Inspector were that 'The proposal would therefore represent poor design which would conflict with the aims of Planning Policy Wales (PPW) to promote good design and ensure that the effects of redevelopment should not be allowed to damage an area's amenity; this includes any such impact on neighbouring dwellings, such as serious loss of privacy' (paragraph 28 of appeal statement APP/K6920/A/15/3138308). This amended scheme and amended side elevation plans to the South and East indicate that the issues relating to privacy have been resolved, through the creation of a courtyard for residents of the proposed flats, and the exterior walls remaining intact thereby screening 1 Van Road and 2 Clifton Street. Additionally, the scheme has been reduced from 6 to 4 flats.

As the Planning Inspector noted in her report, the location is sustainable, therefore there is no conflict found with policy CW3 of the LDP that requires new development to have regard for the safe, effective and efficient use of the transportation network. All other issues considered in respect of 15/0023/FULL (such as design, air quality and impact on amenity by virtue of noise etc) were fully considered by the Inspector who considered that they did not carry sufficient weight to justify refusal of the application and in that regard they hold little weight here.

Comments from consultees: No objections raised.

Comments from public: With regard to the objection raised by the neighbour it is clear from the Decision Letter for the appeal that the Inspector is only referring to the impact of the then proposed windows on the eastern elevation facing 1 Van Road and not to the impact of the windows in the south elevation. As stated in the report for application 15/0023/FULL it is not considered that the windows in the south elevation or the fire escape would have an unacceptable impact on the privacy or amenity of No. 2 Clifton Street and the Inspector saw no reason to disagree with that view.

Other material considerations: None.

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

**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.

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- 02) The development shall be carried out in accordance with the following approved plans and documents: T2298/PA/01, T2298/PA/02, T2298/PA/03, T2298/PA/04, T2298/PA/05, T2298/PA/06, T2298/PA/07, T2298/PA/08, T2298/PA/09, T2298/PA/10, T2298/PA/11, T2298/PA/12, T2298/PA/13, T2298/PA/14, T2298/PA/15, T2298/PA/16A, T2298/PA/17A, T2298/PA/18, T2298/PA/19 and Bat Report by Mr Richard Watkins.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.
- 04) 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.
- 05) 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.
- 06) 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 to the building 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.

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- 07) 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.

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 CW4.

Please find attached comments from Dwr Cymru/Welsh Water.

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