

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/1053/COU 30.10.2017	Churngold Construction Mr A Brown The Star Inn 138 Duckpool Road Newport NP19 8FH	Change the use from A3 with residential accommodation to shop, office and 4 No. flats including new vehicle access and parking The Rolling Mill Inn 88 Commercial Street Pontymister Risca Newport NP11 6EE

**APPLICATION TYPE:** Change of Use

#### SITE AND DEVELOPMENT

Location: The application site is located on Commercial Street, Risca, and is bounded to the west by Maryland Road, and to the east by Llanarth Square.

Site description: Vacant public house and associated curtilage.

Development: It is proposed to convert the former public house to Shop Unit (60 sq. metres), Office Unit (33 sq. metres), and two bedroom flat at ground floor level, and three flats at first floor level (2 x one bedroomed flats, and 1 x 2 bedroomed flat).

Materials: Painted render and slate roof (as existing).

Ancillary development, e.g. parking: Provision of 3 off-street parking spaces. Small landscaped area fronting onto Maryland Road. Use of existing single storey building onsite as bin and cycle store area. Create additional openings in the west elevations (windows for proposed flats).

#### PLANNING HISTORY 2005 TO PRESENT

None.

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## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within the Settlement Boundary.

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), as well as advice contained in Supplementary Planning Guidance LDP5 (Car Parking Standards).

NATIONAL POLICY Planning Policy Wales and TAN12: 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? No.

### CONSULTATION

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

Head Of Public Protection - No objection subject to conditions.

Dwr Cymru - Provide advice to the developer.

Senior Engineer (Land Drainage) - No objection subject to land drainage condition and advice.

Natural Resources Wales - No objection subject to advice to the developer based on the submitted FCA.

### ADVERTISEMENT

Extent of advertisement: 21 neighbour properties were consulted by way of letter and a site notice was displayed near the application site.

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Response: One neighbour objection was received as well as an objection from Risca Community Council.

Summary of observations: - Inadequate off-street parking to serve the development;  
- loss of privacy as result of development;  
- retail unit opening hours and potential impact on the amenity of neighbours;  
- access to parking areas detrimental to highway safety due to proximity to Commercial Street.

#### 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?  
Crime and disorder are not considered to be an issue for this application.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. The application site is located in the higher viability zone, and therefore the A1 element is chargeable at a rate of £100 per sq. metre, and the residential element is chargeable at a rate of £40 per square metre.

#### ANALYSIS

Policies: The application proposes to convert the former public house, known as The Rolling Mill, into four residential flats, a retail unit and office unit, as well as create three off-street car parking spaces to serve the development. The application therefore represents an opportunity to bring a vacant building back into use, create jobs and four new residential flats.

The application site is located within the settlement boundary as defined in the Adopted Caerphilly Local Development Plan, and therefore the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance those main considerations are the impact of the proposed development on the residential amenity of the surrounding area, the impact on highway safety, and the location of the site within a Zone C1 flood zone.

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In terms of the impact of the proposal on residential amenity, it is not considered that the introduction of an A1 retail unit and a B1 office unit will have a detrimental impact on existing or proposed residential dwellings, particularly when compared to the existing lawful use of the building, i.e. public house. Furthermore, conditions will be attached to the permission restricting hours of operation and delivery hours for these commercial elements of the proposal, furthermore ensuring residential amenity will be protected.

In terms of highway safety, concern has been raised by a local resident and the community council, regarding the position of the proposed car parking spaces fronting onto Llanarth Square, given their proximity to the junction with Commercial Street. However, as it is not anticipated this parking area will generate a high number of vehicular movements, and as cars will be entering Llanarth Square at low speeds, it is not considered that this parking area will prove to be detrimental to highway safety. Furthermore, this parking area will provide much needed relief to existing on-street parking pressure.

In terms of the location of the application site within a Zone C1 flood zone (as defined in TAN15: Development and Flood Risk), paragraph 6.2 of TAN15: Development and Flood Risk states:

"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,
- 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.

In response to these criteria, it is considered that the following is relevant to the proposed development:

- i) The proposed development will bring a vacant building in the town centre back into beneficial use, create jobs and provide much needed residential accommodation;

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- ii) The development will create employment in the proposed A1 retail unit and B1 office unit;
- iii) The application site meets the definition of previously developed land;
- iv) NRW conclude that the proposed development is acceptable based on the submitted FCA subject to advice to the developer.

Comments from Consultees: The Transportation Engineering Manager raises no objection subject to the provision of the three car parking spaces shown on the submitted plans prior to first use of the commercial or residential elements of the proposal. Furthermore, the following advice is provided to the developer:

"The applicant is invited to contact the Highway Authority to obtain the necessary licence in order to install the required vehicle crossovers to the proposed parking spaces.

The applicant should also be made aware that it will be a requirement to relocate the street lighting column and telegraph pole in order to provide access to the parking spaces. The relocation of the street lighting column can be arranged via our Street Lighting Department whilst the relevant statutory undertaker can assist with the relocation of the telegraph pole."

The Head of Public Protection raises no objection subject to the imposition of conditions relating to hours of operation and delivery times for the commercial elements, to ensure the residential amenity of future occupiers of the proposed flats, as well as nearby existing properties, is protected. A condition will also be attached to the permission requiring details of commercial waste storage.

Welsh Water provide advice to the developer drainage.

Natural Resources Wales: As the application site is located within Zone C1 as defined in the Flood Advice Maps contained in Technical Advice Note 15: Flood Risk and Development, the applicant was required to submit a Flood Consequences Assessment (FCA). Based on the information contained in the submitted FCA, Natural Resources Wales raise no objection to the development subject to advice to the developer.

Comments from public:

1. Inadequate off-street parking to serve the development - At present the public house benefits from no off-street car parking provision. It is proposed to create three parking spaces to serve the proposed development. Based on the existing lawful use of the site, and its associated car parking demand, it is not considered that the level of parking proposed is unacceptable.

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2. Loss of privacy as result of development - The only windows proposed in the north facing elevation of the development are first floor landing windows. A condition will be attached to the permission requiring these windows be obscurely glazed and non-opening.

3. Retail unit opening hours and potential impact on the amenity of neighbours - Conditions will be attached to the permission restricting the hours of operation and hours for deliveries for the commercial elements of the proposal.

4. Access to parking areas detrimental to highway safety due to proximity to Commercial Street - No objection has been raised by the Transportation Engineering Manager, and therefore it is not considered that the development will be detrimental to highway safety.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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) Notwithstanding the approved plans before development hereby approved is first occupied three off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety.

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- 03) Prior to commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed commercial use does not affect the residential use of the property. The required scheme shall be capable of achieving a night time internal LAeq level of 30 dB(A) in the residential part of the building. Development shall be carried out in accordance with the approved details before first use of the premises hereby approved.  
REASON: In the interests of residential amenity.
- 04) The commercial uses hereby permitted shall not be open to customers outside the following times: 0800hrs to 1800hrs Monday through to Saturday, and 1000hrs to 1600hrs Sunday.  
REASON: In the interests of residential amenity.
- 05) No commercial deliveries shall be taken at or dispatched from the site outside the hours of 0800hrs to 1800hrs Monday to Saturday, and no deliveries on Sunday.  
REASON: In the interests of residential amenity.
- 06) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.  
REASON: In the interest of public health.
- 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, or Swift) on the existing building at The Rolling Mill Inn, 88 Commercial Street, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new uses hereby approved are first utilised.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), excluding the first floor north facing bedroom window serving Flat 3 (as shown on the submitted plans) the ground floor and first floor window facing north shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.  
REASON: In the interests of residential amenity.

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- 09) The development shall be carried out in accordance with the following approved plans and documents:  
Drawing Number: R228-03B A1, Proposed Plan and Elevations, received 02.08.2017;  
Drawing Number: R228-04A A1, Proposed Plan and Elevations, received 02.08.2017;  
Site Location Plan, received 07.12.2016;  
Flood Consequences Assessment, 3rd Update (27 October 2017) prepared by ARK Ltd., received 30.10.2017.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 10) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.

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: Policy CW2, CW3, CW4, CW5.

Please find attached the comments of Welsh Water, Natural Resources Wales, The Senior Engineer (Land Drainage), The Transportation Engineering Manager that are brought to the applicant's attention.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).



