

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0930/LA 13.11.2017	CCBC (Building Consultancy) Mr A Young Penallta House Tredomen Business Park Hengoed Ystrad Mynach CF82 7PG	Erect new modular building for Flying Start service provision Caerphilly Contact Centre Family Centre Caledfryn Way Penyrheol Caerphilly CF83 2BW

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: Caerphilly Contact Centre, Family Centre, Caledfryn Way, Penyrheol, Caerphilly, CF83 2BW.

Site description: The application site is land within the curtilage of Caerphilly Family Centre which is a detached building set back to the north east of Caledfryn Way in Penyrheol, Caerphilly. To the east is Cwm lfor School. To the west are residential properties numbers 2 and 4 Bryn lfor, and 2 Caledfryn Way. An area of woodland lies to the north.

Development: Erect new modular building for Flying Start service provision.

Dimensions: 15 metres long by 7.2m wide. The overall height of the building ranges from 2.7m to 3 metres.

Materials: Walls and roof: Polyester Powder Coated Steel panels.

Ancillary development, e.g. parking: Retaining wall and two additional parking spaces.

PLANNING HISTORY 2005 TO PRESENT

P/05/0467 - Erect extension. Granted 02.06.2005.

P/06/0123 - Erect single storey extension to accommodate staff and provide new kitchen/rest room. Granted 11.05.2006.

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Application 17/0930/LA continued

POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), SP6 (Place making) SP10 (Conservation of Natural Heritage).

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

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a high risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Head Of Public Protection - No Objection.

Transportation Engineering Manager - No objection, request planning condition requiring parking spaces to be provided prior to occupation and retained thereafter.

Senior Engineer (Land Drainage) - Offer no objection to the development but advise site is situated within an area susceptible to groundwater flooding. Request a planning condition requiring drainage details.

Dwr Cymru - No objections. Recommend conditions and advisory notes to address drainage matters.

Countryside And Landscape Services - The Preliminary Bat Roost assessment Survey reports that no evidence of bats was found within a garage building surveyed and would be demolished as part of the development. There was evidence of nesting bird activity within the garage. Offer no objection to the development subject to planning conditions and advisory notes to address ecological issues.

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Application 17/0930/LA continued

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 15 nearby properties. A revised site plan has been received and a re-consultation has been carried out which has not expired at the time of the completion of this report. Any further representations received will be verbally reported to members at planning committee.

Response: Representations have been received from occupiers of two properties adjacent to the site.

Summary of observations:

- Proximity of the building to the back of the neighbouring property.
- They can already hear noise from the site at the moment, children and families playing which is acceptable but what about the future.
- Express concern about the potential loss of privacy
- Concerned about future maintenance of trees, there are already problems with trees not being maintained.
- Lack of information including on the size of the building
- Impact of the development on neighbouring bungalow.

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? A survey was carried out and no evidence of bats was found, evidence of nesting birds were found but the adverse effects can be mitigated by planning conditions and advisory notes.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is subject to a zero rated charge under the Development CIL Rates.

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Application 17/0930/LA continued

ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The application seeks permission to erect a single storey educational building to the western side of the existing family centre. The building is required to enable a 'Flying Start' facility to operate from the building. The flying start program is a Welsh Government support initiative for families with children aged up to four years old.

The impact of the development on the dwellings located to the west of the site has been considered. Number 2 Caledfryn Way to the south-west is a detached bungalow which fronts Caledfryn Way and whose rear elevation faces towards the proposed new building at an angled orientation. Another dwelling, Number 2 Bryn lfor is located to the west and its rear facade faces south-east towards the side elevation of the proposed flying start unit. Both of these dwellings are situated at a higher level (circa 1m) than the existing family centre and the proposed flying start unit. The overall height of the proposed flying start unit is 3 metres. The separation distance from the rear facade of number 2 Caledfryn Way is approximately 10 metres to the closest part of the flying start building and there is approximately 4.5m from the rear elevation of number 2 Bryn lfor to the proposed building. Number 4 Bryn lfor has part of its curtilage abutting the application site but its fenestration does not directly overlook the proposed development. It is considered that there will not be an unacceptable impact in terms of outlook, light or overshadowing to any of these properties or their curtilage areas given the single storey nature of the proposed building and the lower finished floor level relative to the adjacent dwellings. The development accords with adopted Local Development Plan Policy CW2 (Amenity) in having an acceptable impact on neighbour amenity.

The design of the building is considered to have an acceptable impact on the character of the area. A planning condition is attached requiring full details of the proposed cladding materials to ensure a suitable colour and finish is agreed. The development accords with adopted Local Development Plan Policy SP6 (Placemaking).

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Application 17/0930/LA continued

It is noted that the family centre has a existing car park which can be utilised by users of the new building and the proposals include providing an additional two parking spaces. The Transportation Engineering Manager has reviewed the scheme and offered no objections and it is considered that the development accords with Policy CW3 (Highways).

The proposed flying start building has an acceptable design and impact on neighbour amenity and is recommended for approval accordingly.

Comments from Consultees:

The response of Dwr Cymru will be provided to the developer as advisory notes.

Comments from public:

- Proximity of the building to the back of their property.

The proximity of the building to the neighbouring properties and their curtilage areas is considered acceptable noting the single storey nature of the proposed building and the fact that the application site is set at a lower level than the adjacent residential properties.

- They can already hear noise from the site at the moment, children and families playing which is acceptable but what about the future.

The scale of the development is not considered to have any unacceptable impacts on neighbour amenity.

- Express concern about the potential loss of privacy

Planning conditions are proposed to require details of landscaping and boundary treatments to be agreed with the Local Planning Authority and windows to the western side elevation of the flying start unit will be required to be obscurely glazed to avoid direct overlooking to windows in the nearest residential properties.

- Concerned about future maintenance of trees as stated there are already problems with trees not being maintained.

The representations received highlight existing maintenance issues unrelated to the current planning application. A planning condition requiring full landscaping details is included within the planning recommendation to allow the Local Planning Authority to agree acceptable landscaping for the development.

- Lack of information including on the size of the building

A re-consultation of plans was carried out and the scaled plans indicate the size of the building.

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Application 17/0930/LA continued

- Impact of the development on our bungalow.

The impact of the development has been considered and is deemed acceptable on occupiers of neighbouring properties.

Other material considerations:

It is noted that some trees and vegetation are located relatively close to the proposed building however none of these are formally protected. It is considered appropriate to require a landscaping scheme to be agreed in writing with the Local Planning Authority to allow for agreement should replacement planting be required.

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) The development shall be carried out in accordance with the following approved plans and documents:
 - Elevations, drawing reference AA02, received 13.11.17,
 - Proposed Site Plan, drawing reference A001, received 08.01.18,
 - Site Location Plan (1:1000), received 26.10.17,
 - Foundation and retaining wall detail, drawing reference 01, received 08.01.18.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.

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Application 17/0930/LA continued

- 04) Prior to the commencement of works on site details of measures to prevent the discharge of surface water/land drainage onto the public highway 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.
- 05) 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) the side elevation windows facing west shall be glazed with obscure glass. Any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.
- 06) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the beneficial occupation of the building hereby permitted.
REASON: In the interests of the visual amenities of the area.
- 08) 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.

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Application 17/0930/LA continued

- 09) Prior to the commencement of any works on site, details of the provision of nest sites for Starling, 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 ensure proper measures are taken to safeguard of protected species present on the application site, in the interests of biodiversity and 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).
- 10) 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 building at Penyrheol Flying Start, Penyrheol, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 11) The building shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plan to the satisfaction of the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to

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Application 17/0930/LA continued

potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Please find attached the comments of Dwr Cymru, The Council's Ecologist and Land Drainage Officer that are brought to the applicant's attention.

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.

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Application 17/0930/LA 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).

