

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0090/FULL 01.02.2018	Actoris Property Ltd C/o Mango Planning & Development Ltd Mr A Hughes Number Two Waterton Park Waterton Bridgend CF31 3PH	Partly demolish existing building and change the use of the existing Class A3 (public house) and erect new extension to create two Class A1 (retail) units, servicing area, car parking and associated works The New Forge Brynhoward Terrace Oakdale Blackwood NP12 0LG

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on Brynhoward Terrace, Oakdale.

Site description: Existing public house and associated curtilage.

Development: It is proposed to demolish part of the existing building, erect an extension, and sub-divide the resultant building into two A1 retail units.

Dimensions: The resultant building will have a footprint that measures 28m x 20.5m.

Materials: Brickwork and render walls, with an element of cladding on the front elevation, and concrete roof tiles.

Ancillary development, e.g. parking:

PLANNING HISTORY 2005 TO PRESENT

P/05/1303 - Erect decking to rear elevation. Granted 17.11.2005.

07/0100/FULL - Construct timber decking to side elevation of property. Refused 12.07.2007.

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POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW9 (Protection of Rural Commercial Facilities), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing).

Supplementary Planning Guidance: LDP5 - Car Parking Standards.

NATIONAL POLICY Planning Policy Wales (9th Edition), Technical Advice Note 4: Retail and Commercial Development (November 2016), Technical Advice Note 12: Design (2016).

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

Ecologist - No objection subject to conditions and advice.

Landscape Architect - Provides advice regarding existing hedgerow along the boundary of the site.

Principal Valuer - No comments.

Head Of Public Protection - No objection subject to conditions.

Transportation Engineering Manager - No objection subject to conditions and Section 106 agreement to secure improved bus stops near the site.

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

Strategic & Development Plans - No objection.

Dwr Cymru - Provides advice to the developer.

ADVERTISEMENT

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

Response: In total 139 letters/emails of objection have been received and one letter of support. Of the 140 letters of objection received, 135 are standard letters signed by a total of 291 signatories.

Summary of observations:

1. Loss of existing Co-op from Oakdale village centre;
2. Inadequate parking to serve the development;
3. Concern that parcel to the rear may be developed for housing in the future;
4. Detrimental to highway safety and safety of children attending the nearby school;
5. Potential anti-social behaviour associated with proposed retail use;
6. Danger to pedestrian when vehicles, including delivery vehicles, enter and leave the application site;
7. Litter and noise associated with the development;
8. New retail element would be too far away from elderly residents of Oakdale village centre to walk to the new shop;
9. The proposed use being located adjacent to a planned area of formal public open space would result in anti-social behaviour associated with youth consuming alcohol at the proposed park thereby reducing its availability for children to play;
10. Detrimental impact of 'fast food' retailing on school route;
11. Loss of pub 'b&b' accommodation serving local businesses in area.

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, but anti-social behaviour is considered further in the report where the concerns of local residents are considered.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? An Ecological Impact Assessment was undertaken which included a bat survey (including activity survey) of the existing building. This resulted in the building being classified as having an overall low suitability for roosting bats. Several conditions will be attached to the planning permission in the interests of biodiversity.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes. New A1 retail floor space is chargeable at a rate of £100 per square metre of internal floor space.

ANALYSIS

Policies: The proposal is to part demolish the existing building, erect an extension, and sub-divide the resultant building into two A1 retail premises. It is understood that the larger of the two units (351 sq. metres) is to be operated by the Co-op, and the smaller unit (111 sq. metres) is to be operated by Greggs. The proposal also involves subdividing the existing planning unit, with the parcel along the northern boundary of the application site, known as phase 2, likely being promoted for future residential development. The submitted plans indicate that the development will be served by 16 car parking spaces.

The conversion of the existing building to a shop would not need planning permission, but the current scheme involves the demolition of some two-thirds of the existing structure and the erection of new premises. Hence the need for planning permission.

In planning policy terms the main considerations are the impact of the proposed use, including proposed hours of operation and deliveries, on the residential amenity of nearby properties; the impact on highway safety and adequacy of car parking provision; and the potential impact of the proposal on retail strategy in the wider area.

Policy CW2 relates to Amenity and states:

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

A - There is no unacceptable impact on the amenity of adjacent properties or land;

B - The proposal would not result in over-development of the site and/or its surroundings;

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- C - The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use;
- D - Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

In relation to Criterion A, it is considered that the proposed use, i.e. a Co-op shop and Greggs bakery, are acceptable uses in close proximity to existing nearby properties, particularly given the existing lawful use of the site, i.e. a public house. The proposed opening hours are 7am - 11pm seven days a week for Unit 1 (Co-op), and 6.30am to 9pm Monday to Saturday and 7.30am until 9pm on a Sunday for the other unit. The earliest deliveries will be 6.30am from Monday - Saturday.

The planning agent has provided information in relation to minimising noise during these early morning deliveries. Such measures include overriding the 'Cyclist aware' voice activation when delivery vehicles are reversing, and 'white noise' reversing alarms, sound suppression measures for the tail lift, pneumatically operated rear shutter doors which removes the impact noise of a standard manual door, etc. The Environmental Health department are satisfied with these proposed measures and consider the proposed delivery hours to be acceptable. Furthermore, no objection is raised to the proposed opening hours. It should be noted that whilst there will be an impact on the properties that adjoin the boundary with the site, this impact should be considered against the backdrop of the existing lawful use of the site, i.e. public house, and its night time activity impacts.

In visual amenity terms it is considered that the proposed development has been well designed in terms of its scale, materials and fenestration, and will not detract from the visual amenity of the surrounding area.

In terms of Criteria B-D, it is not considered that the proposal represents over-development of the site; the proposed uses are compatible with neighbouring land-uses; and the development doesn't affect the viability of existing neighbouring land uses.

The application proposes 16 parking spaces to serve the proposed development. Subject to several conditions, the Transportation Engineer Manager is satisfied with such parking provision. A condition will be included that restricts any outdoor seating/dining provision at the site. This will reduce dwell times at the Greggs unit thereby reducing parking pressure. A Section 106 contribution will contribute to the improvement of the two bus stops nearest to the application to allow improved access arrangements. This could be particularly beneficial to the elderly or disabled who may currently shop at the Co-op in Oakdale village centre and may encounter difficulties is

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walking to the relocated store. No objection is raised on highway safety or parking provision grounds and therefore the development complies with Policy CW3.

Policy CW16 (Locational Constraints - Retailing) states that outside of the defined Principal Town Centres proposals for new retail stores or for additional retail floorspace will only be permitted where:

A - The vitality and viability of nearby Principal Town Centres will not be undermined, taking into account the cumulative effects of other approved retail developments, recently completed developments and Plan commitments, and

B - The proposal would not undermine the Council's retail strategy, a Town Centre Action Plan or any regeneration plans that the Council has formally approved, or

C - The proposal is:

(i) A new retailing unit of 1000 sq. metres or less in size, or the change of use of such a size, and

(ii) To serve neighbourhood needs, or is ancillary to another commercial use.

The proposed development is less than 1000 sq. metres, will serve neighbourhood needs, and will not undermine the vitality or viability of the nearest Principal Town Centre, i.e. Blackwood. Therefore the development also satisfies this policy.

A Section 106 Agreement will be required to secure the requirements of the Transportation Engineering Manager, and that must meet the following tests:

(a) It is necessary to make the development acceptable in planning terms.

Unit 1 will act as a local food store for the community of Oakdale. Given the distance from the village centre of Oakdale, improved bus stop facilities will allow easier access for those who aren't able to walk to the site for whatever reason.

(b) It is directly related to the development.

Improved bus stop facilities will allow customers to access the site without having to rely on private motor vehicles or who aren't able to walk.

(c) It is fairly and reasonably related in scale and kind to the development.

A figure of £8,036.26 is considered to be fair and reasonable to the proposed development .

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Based on the above considerations, the development accords with the relevant planning policies and is recommended for approval subject to conditions and the completion of a Section 106 agreement as outlined above.

Comments from Consultees: No objection is raised by consultees subject to requested conditions and advice.

Comments from public:

1. Loss of existing Co-op from Oakdale village centre - This is not a material planning consideration.
2. Inadequate parking to serve the development - The Transportation Engineering Manager raises no objection subject to condition.
3. Concern that parcel to the rear may be developed for housing in the future - The planning statement indicates that it is the future intention to develop the former public house car park area for residential development. However such a proposal will be considered as and when an application is submitted. .
4. Detrimental to highway safety and safety of children attending the nearby school - No objection is raised in highway safety terms by the Transportation Engineering Manager.
5. Potential anti-social behaviour associated with proposed retail use - If the development did lead to an increase in anti-social behaviour this would become a Police matter. The scale of any anti-social behaviour would not be significant as to justify a refusal of permission for a use that is often found in a residential area.
6. Danger to pedestrian when vehicles, including delivery vehicles, enter and leave the application site - The existing access point to the site will be maintained and improved. Again, no objection is raised in highway safety terms by the Transportation Engineering Manager.
7. Litter and noise associated with the development - The proposed use, i.e. commercial, will result in an element of noise, but it is not expected to generate more noise than the existing use. Litter problems would not be so significant as to justify a refusal of this use which can often be found in residential areas, and can be controlled under the legislation.
8. New retail element would be too far away from elderly residents of Oakdale village centre to walk to the new shop - A Section 106 agreement will be required prior to the granting of planning permission. This legal agreement will secure funds to improve the bus stops closest to the site to improve access for the elderly and disabled persons.
9. The proposed use being located adjacent to a planned area of formal public open space would result in anti-social behaviour associated with youth consuming alcohol at the proposed park thereby reducing its availability for children to play - Anti-social behaviour is a Police matter, and the comments at point 5 apply.
10. Detrimental impact of 'fast food' retailing on school route - There are no specific planning policies that relate to this concern.

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11. Loss of pub 'b&b' accommodation serving local businesses in area - There are no specific planning policies in this respect that would protect such accommodation.

Other material considerations: None.

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.

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) 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.
- 03) The development shall be carried out in accordance with the following approved plans and documents:
Job No. 173363, Drawing No. AP18B, Proposed Elevations (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP17C, Proposed Elevations (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP16C, Proposed Roof Plan (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP15A, Proposed Ground Floor Plan (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP14F, Proposed Site Plan (excluding outdoor seating element), received 26.01.2018;
Job No. 173363, Drawing No. AP03B, Site Location Plan, received 26.01.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 04) The 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.

- 05) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON: To ensure adequate protection to protected species.

- 06) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection and enhancement of hedgerows within the site shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any enhancement planting shall be planted within 12 months of the completion of the development.

REASON: In the interest of biodiversity conservation and 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).

- 07) Prior to the commencement of any development works on site, details of the provision of mitigation nest/roost sites for Robin/Thrush as recommended in the submitted Ecological Impact Assessment 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 the habitat of protected species present on the application site, in the interests of biodiversity.

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- 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 extension at The New Forge, Brynhoward Terrace, Oakdale, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension 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).
- 09) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new extension at The New Forge, Brynhoward Terrace, Oakdale, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.
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).
- 10) No deliveries shall be taken at or dispatched from the site outside the hours of 0630hrs to 1800hrs Monday through to Saturday, and 0800 to 1600 on Sundays and bank holidays.
REASON: In the interests of residential amenity.
- 11) Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interest of public health.
- 12) 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.

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- 13) The use hereby permitted shall not be open to customers outside the following times:
Unit 1 - 7am to 11pm every day of the week.
Unit 2 - 6.30am to 9pm Monday to Saturday and 7.30am until 9pm on a Sunday.
REASON: In the interests of residential amenity.
- 14) 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.
- 15) 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.
- 16) 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.
- 17) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splay of 2.4 metres x 59 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 18) The development shall not commence onsite until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 19) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining wall on site full engineering details and structural calculations for the proposed retaining wall, together with certification from an independent chartered civil or structural engineer that the proposals are

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structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining wall additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.

REASON: In the interests of highway safety.

- 20) Notwithstanding the submitted plans, commercial trading shall not commence until after a delivery strategy plan has been submitted to and approved in writing by the Local Planning Authority. Deliveries to the premises thereafter shall be undertaken in accordance with the approved plan and delivery vehicles shall be restricted in size to that not exceeding 10.06m in length to ensure adequate turning is available within the site.

REASON: In the interests of highway safety.

- 21) There shall be no outdoor sitting/dining provision made available at the site.

REASON: To prevent dwell times of customers using the approved units, in the interests of highway safety.

- 22) 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)

Please find attached the comments of Senior Engineer (Land Drainage), Council's Ecologist, Dwr Cymru/Welsh Water and Head of Public Protection that are brought to the applicant's attention.

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.

