

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0409/FULL 15.05.2018	Ty Sign Community Hall And Resource Centre Mr R Owen Holly Road Ty Sign Risca	Construct community hall and resource centre with associated car parking, access from Holly Road and garden space Land At Grid Ref 324887 190651 Holly Road Ty Sign Risca

**APPLICATION TYPE:** Full Application

#### SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Holly Road.

Site description: Overgrown area of informal open space.

Development: Full planning permission is sought to erect a community hall and resource centre with associated car parking.

Dimensions: The building measures 20.2 metres in width by 14.6 metres in depth with a height of 3.1 metres to the eaves and 5.4 metres to ridge height.

Materials: Facing brick, concrete roof tiles, upvc windows and external timber doors protected by steel roller shutters.

Ancillary development, e.g. parking: 23 car parking spaces and 2 disabled car parking spaces are proposed.

#### PLANNING HISTORY 2005 TO PRESENT

None.

#### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits, and is allocated as part of a larger site for informal recreation and community use (Policy LE5.20).

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Policies: SP2 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP18 ( Protection of Strategic Leisure Network), LE5 (Protection of Informal Open Spaces), CW2 (Amenity), CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW8 (Protection of Community and Leisure Facilities), CW15 (General Locational Constraints) and advice contained within Supplementary Planning Guidance LDP5: Car Parking Standards.

NATIONAL POLICY Planning Policy Wales Edition 9 (November 2016) and TAN 12: Design (March 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? The site is located within an area where there are no coal mining legacy issues.

### CONSULTATION

Principal Valuer - Offers no comments in respect of this application.

CADW - Offers no comments in respect of this application.

Transportation Engineering Manager - No objection subject to conditions relating to the means of access, vision splays , boundary treatments and parking areas.

Head Of Public Protection - No objection subject to conditions relating to the storage and collection of waste, a scheme of foul drainage to include a grease trap, a scheme for scheme of odour / fume control and details of any plant machinery to be installed.

Senior Engineer (Land Drainage) - No objection subject to a scheme for land and surface water drainage within the site to be submitted.

Dwr Cymru - Provides advice to the developer but advises that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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Senior Arboricultural Officer (Trees) - Provides advice to the developer.  
Ecologist - No objection subject to conditions.

Landscape Architect - There is limited information regarding the proposed landscaping works.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and 22 neighbours were notified by letter.

### Response:

199 letters of representation were received objecting to the development.  
37 letters of representation were received in favour of the development.  
One petition was received containing 34 signatures in favour of the development.

### Summary of observations:

#### FINANCIAL CONCERNS

The proposal will devalue properties.  
The proposal will increase home and motor insurance premiums.  
There is no detail explaining how the project will be funded.  
The money could be spent more appropriately on something useful for the area.

#### SITE FEASIBILITY AND SUITABILITY IMPACTS

Waste of money and resources.  
Adequate suitable unused properties within the area.  
There is no uptake of other services offered within the area.  
There is a need to build on brownfield land as opposed to greenfield land.  
No feasibility study to show other sites have been considered.

#### SUSTAINABILITY IMPACTS

No sustainable operating plan to show how revenue can maintain or enhance the green space - contrary to sustainable development policies.  
It is more sustainable to upgrade an existing building.

#### ENVIRONMENTAL IMPACTS

Wildlife and ecology will be lost as a result of the development.  
The land was designated as a nature reserve and community garden.  
The area is contaminated with Japanese Knotweed.  
Concerns for the loss of the trees.

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#### HIGHWAY SAFETY IMPACTS

The increase in traffic will lead to on-street parking problems.

The increase in traffic is likely to lead to accidents.

There is a desperate need to slow traffic down, not increase traffic movements.

There is insufficient car parking spaces for the usage and capacity.

#### AMENITY IMPACTS

Noise.

Contravenes article 8 of the Human Rights Act (right to respect for private and family life).

Disturbance of noise and traffic during construction phase.

No opening or closing times - weddings, social events go on late into the night.

Light pollution from vehicles late at night.

Loss of Privacy.

The rights of residents to enjoy their properties and possessions without being negatively impacted by such a development should outweigh the applicants' right to build.

#### SOCIAL IMPACTS

The land is currently used for dog walking.

The building will not benefit the local community.

There are enough social issues without adding more.

The proposal will generate vandalism

Takes away the rights of the communities

#### VISUAL AMENITY

This is a disguised church.

The siting, design and appearance is unsuitable for the Ty Sign landscape.

Loss of trees.

#### POLICY IMPACTS

The land is designated as LE5.20 (informal recreation and community use) in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

The proposed use would undermine the Local Plan designation.

The employment opportunities do not meet with the objectives of policy SP22.

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#### GENERAL COMMENTS

The church members are not from the local area.

Accusations regarding the church members and the related groups.

Very few people are aware of the proposal.

The applicants have provided limited/changing information.

The need for the community centre is being pursued by those who have no connection to area.

There is no information regarding the Pre Application Advice received from the Planning Authority.

Houses in Elm Drive were flooded in 2006 when a drain was broken by a digger working on waste ground. There are concerns about waste water and sewerage from the development.

#### COMMUNITY COUNCIL CONCERNS

There is a lack of available sewage capacity within the area.

Is the land to be sold or leased?

There is an ongoing problem with Japanese Knot Weed.

The amount of traffic on the road is not conducive to further development.

What are the intended uses of the proposed building? A detailed list of activities is required.

What are the proposed opening/closing times of the proposed community centre?

Has anyone considered the lack of housing for the elderly in the area? It seems to be a forgotten generation.

Who is funding the project?

Why was an article printed in two separate newspapers stating that Ty Sign is a deprived 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 is not a material planning consideration in the determination of this application. Whilst it is acknowledged that security measures have been incorporated into the external fabric of the building, any anti-social behaviour will be a matter for the management of the charity and the Police to pursue. From a planning point of view, community centres are best located in or near residential areas.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The council's ecologist has recommended a series of conditions attached to any permission should members approve the application to safeguard the protection of any birds, protected species and reptiles.

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### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

### ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues to be considered in the determination of this application are in relation to design, amenity of the neighbouring residential occupiers, highway safety and the loss of the informal open space.

It should be noted that the existing Channel View Community Centre is not currently fit for purpose as a result of structural, locational and functional problems that cannot be addressed by further investment in the building. Whilst this community facility is still in use, the intention is to dispose of this building and associated land and a replacement facility is required to accommodate the existing users/groups of the building. Whilst the closure of the Channel View Community Centre would result in the loss of a community facility and would be contrary to Policy CW8 ( Protection of Community and Leisure Facilities), its re-allocation elsewhere in the community would satisfy criterion A of Policy CW8.

The application site is a small parcel of open space located to the east of no. 196 Holly Road, and is in close proximity to the junction on the northern side of Holly Road which serves Snowden Close. The application site, is located within settlement limits where the principle of development is considered acceptable subject to satisfying all other material considerations.

In terms of design, Policy SP6 and CW2 of the LDP are relevant together with guidance contained in TAN 12 and Planning Policy Wales. In this respect the proposed community hall is single storey in height and is acceptable in terms of its footprint, design and materials. The building will be located below Holly Road with car parking facilities to the east and a garden area to the west. Whilst the development will result in a loss of the overgrown informal open space, it is not considered that the building will have an adverse impact upon the visual amenity of the surrounding area.

In terms of the current levels of amenity enjoyed by the occupiers of the properties adjoining the application site, the development will not result in the privacy or amenity of the occupiers of neighbouring properties being adversely affected by the development. Whilst the car park area is located approximately 15 metres away from the side elevation of no.196 Holly Road which also benefits from a habitable room window in this side elevation, any concerns relating to light pollution from vehicles can be mitigated by imposing a condition for an appropriate boundary treatment to protect the occupiers of no.196 Holly Road and those properties to the south in Elm Drive which would also be affected.

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Policy CW3 considers Highway Safety. Twenty five car parking spaces have been provided and it is not considered that the proposed development will have a detrimental impact on the safe, effective and efficient use of the transportation network. Subject to the imposition of conditions relating to vision splays, parking provision and surfacing materials, the Transportation and Engineering Manager raises no objection. Holly Road is within a residential area, but also links Ty Sign to the surrounding area, and runs along the backs rather than the fronts of many properties. It is an appropriate type of road to serve the development.

In terms of the site's allocation within the Local Development Plan, the green corridor running along the southern edge of Holly Road is protected by policy LE5 (LE5.20 Holly Road, Risca), which identifies and seeks to protect important areas for informal recreation and community use. The policy seeks to protect such areas from inappropriate development, retaining their use for the community. However, the policy seeks to protect the site for informal use. The development of a dedicated community hall facility would be considered as a formal use and, as such, would not conform to the policy. The Appendices to the Written Statement for the Adopted LDP sets out brief descriptions of each of the LE5 designations and in respect of this site it states "As these are green spaces accessible to a large area of housing, they are ideal sites for informal recreation". This description identifies the site for recreation use, rather than recreation and community use.

Furthermore, the supporting text accompanying LE5 (Protection of Informal Open Spaces) states:

"Open spaces of a less formal character are often vital elements in the suburban landscape, offering a visually attractive haven for wildlife. This can often involve the community in ownership and conservation projects. These areas may often be used for walking and in some instances offer informal enjoyment for cyclists passing through the area"

The proposed development seeks the provision of a replacement community hall that, by its very nature, is a community use that complies with the policy context, but is not covered expressly in the Appendix description. The proposal formalises the community use, which is not in accordance with the policy context of protecting the land for informal use.

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Proposals for development on areas of open space within settlements are considered on the basis of Policy CW7 (Protection of Open Space), and in these circumstances an open space assessment is required to determine whether there is sufficient open space remaining in the area to meet the needs of the existing community. In terms of this assessment the application site covers less than 8% of the total area allocated as LE5.20, and as such would not compromise the principal use of the area as a whole for informal recreational or community uses. It should be noted that the area benefits from significant amounts of informal and formal open space as well as the wider open spaces outside of settlement limits, which amount to a significant amount of accessible open space. Furthermore, the provision of a formal community use on a small part of the site may encourage greater informal use of the allocation as a whole, and this would accord with the policy.

In conclusion whilst the proposed development is for a community use (albeit a formal use) and having regard to the small proportion of the informal recreation allocation that would be lost to a formal use, it is considered that the proposed development accords with policies CW2, CW3, CW7 and CW8 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Comments from consultees: No objections have been raised subject to the imposition of conditions attached to the permission.

Comments from public: The following responses have been provided to the issues raised:

#### FINANCIAL IMPACTS

These are not considered to be material planning considerations.

#### SITE FEASIBILITY AND SUITABILITY IMPACTS

A Community Consultation Report dated 13th March examined other existing buildings but the conclusion was they were all unsuitable for various reasons. It is acknowledged that the proposed site is identified as an area of informal open space, however, a considerable amount of this green corridor of land would remain.

#### SUSTAINABILITY IMPACTS

In terms of the Sustainability concerns raised, the applicants are a registered charity and will therefore be able to bid for community funding. In terms of maintenance or enhancement within the application site, this will be for the management of the charity to maintain the upkeep of the garden area. This can be addressed by attaching an appropriate landscaping condition to the permission. It would not be their responsibility to maintain or enhance the remainder of the green corridor (LE5.20 Holly Road, Risca) as this would be an unreasonable request.

With regards to the comments raised in terms of upgrading an existing building, this is not considered to be a viable option at the Channel View site and has been addressed in the report above.

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#### ENVIRONMENTAL IMPACTS

Conditions can be attached to the permission to protect the ecology on site. Given the appearance of the land and its lack of maintenance, funding for the site has never been established to formalise the land as a nature reserve.

With regards to the site being contaminated with Japanese knotweed, a condition can be imposed to the permission for a method statement and a scheme to successfully treat the Japanese knotweed.

In terms of the trees, there are no protected trees on the land and the tree officer has provided advice in respect of any trees on site that will be retained.

#### HIGHWAY SAFETY IMPACTS

In terms of Highway Safety, the Transportation and Engineering Manager raises no objection to the proposal.

#### AMENITY IMPACTS

In terms of the amenity issues raised, it is accepted that there will always be an element of disturbance associated with the construction of the building. Should any anti-social issues arise as a result of the development, this would be a matter for the Police to enforce.

With regard to the Human Rights Act, the planning system by its very nature respects the rights of the individual whilst acting in the interests of the wider community.

In terms of light pollution from vehicles at night, the property most affected by this would be no.196 Elm Drive, however planning a suitable boundary treatment can be mitigate against this.

#### SOCIAL IMPACTS

Whilst the proposal may result in a small reduction of land removed, on balance it is considered that there is a sufficient amount of open space remaining for residents to enjoy. With regards to all other matter raised, these are not material planning considerations.

#### VISUAL AMENITY

In terms of visual amenity the building is considered to be acceptable in terms of its design and will integrate with the existing character of the area and the intended users of the building are the same as that which use Channel View with an expectation for other residents and groups to also use the building.

#### POLICY IMPACTS

The land designation concerns have been addressed in the officer report above. In terms of the building not meeting employment objectives, it is understood that the existing caretaker of the Channel View Site would relocate to the new premises upon the closure of that site.

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#### GENERAL COMMENTS

In terms of the general comments received, these are not relevant material planning considerations. The Local Planning Authority has performed its requirements in terms of advertising the application and the pre-application advice received from the Planning Authority alerted any potential issues that may need to be overcome. ie. the leisure allocation, measures for privacy, parking and design criteria.

Drainage issues are material and can be addressed by condition.

#### COMMUNITY COUNCIL CONCERNS

There is a lack of available sewage capacity within the area - This issue can be addressed through the imposition of a land drainage condition and advice from Dwr Cymru/Welsh Water will also be provided.

Is the land to be sold or leased? The land will be leased from the Council.

There is an ongoing problem with Japanese Knot Weed - This has been addressed previously above.

The amount of traffic on the road is not conducive to further development - No objection has been raised by the Transportation and Engineering Manager.

What are the intended uses of the proposed building? A detailed list of activities is required - The immediate users will be the 5th Risca Scouts, who run Scouts, Beaver Scouts and Cub Scout groups. Agape Community Church will hold some of its meetings and a 'Mothers and Toddlers' group. Other groups have also expressed an interest in using the building.

What are the proposed opening/closing times of the proposed community centre? - It is envisaged that the building will initially be used mostly in the early evenings and on Sunday and Monday mornings, although the intention is for the community to use the building to its potential. The charity has no desire for the building to be open at times which would be inconvenient to the local community.

Who is funding the project and where is this money coming from? - The charity has submitted application bids to the Welsh Government and the Big Lottery; however this is not a material planning consideration.

Why was an article printed in two separate newspapers stating that Ty Sign is a deprived area? - The Local Planning Authority is not responsible for articles printed in the press.

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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.

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:  
Site Location Plan received on 04.05.2018;  
Plan 1 Location received on 04.05.2018;  
Plan 2 Site Layout received on 04.05.2018;  
Plan 3 Building Layout received on 04.05.2018;  
Plan 4 Elevation received on 04.05.2018;  
Plan 5 Visibility splays, profile of access and service vehicles received on 04.05.2018.  
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.
- 04) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 120 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.

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- 05) The building 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.
- 06) The proposed parking area shall be completed in materials as approved by the Local Planning Authority.  
REASON: To ensure loose stones or mud etc are not carried on to the public highway.
- 07) 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.
- 08) 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 development is occupied.  
REASON: In the interests of the visual amenities of the area.
- 09) 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 occupation 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.
- 10) No development or site/vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: To ensure that reptiles are protected.

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- 11) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.  
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
- 12) 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.
- 13) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.  
REASON: To prevent pollution.
- 14) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area.
- 15) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.  
REASON: In the interests of public health and the amenity of the area.

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- 16) Notwithstanding the submitted plans details of any external and roof mounted plant and machinery (if any) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the plant or machinery and the predicted noise levels (measured as LAeq 1 hour) as measured on the boundary of the application site. Thereafter, the development shall be carried out in strict accordance with the agreed details.  
REASON: In the interests of protecting the amenity of the area.
- 17) The use hereby permitted shall not be open to members of the public outside the following times:  
(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 09.00 hours to 22.00 hours Sunday.  
REASON: In the interests of residential amenity.

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, CW7 and CW8.

Please find attached the comments of Dwr Cymru/Welsh Water that are brought to the applicant's attention.

Please find attached the comments of The Council's Tree Officer that are brought to the applicant's attention.

Please find attached the comments of Senior Engineer (Land Drainage) that are brought to the applicant's attention.

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