

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/1068/ADV 19.12.2018	Costa Ltd C/o Mango Planning & Development Ltd Mr D Brown Number 2 Waterton Park Waterton Bridgend CF31 3PH	Display various signage  Unit 6 Gallagher Retail Park Parc Pontypandy Caerphilly CF83 3GX

**APPLICATION TYPE:** Application to Display Adverts

### SITE AND DEVELOPMENT

Location: The application site is the former Pizza Hut restaurant on the Crossway/Gallagher retail park.

Site description: The application site is an established A3 restaurant building on an established retail park. It is a purpose built single storey building with a car park to the side. The property has been vacant for a number of years but there is evidence of existing signage on the building.

To the east of the site is the McDonalds restaurant with the Nant yr Aber and Tesco to the north, Parc Pontypandy and then residential properties are to the east with the Premier Inn Hotel and the Crossways Public House to the south.

Development: This application seeks express consent for the display of replacement signage at the premises. It is proposed to erect fascia signage on the four elevations of the property together with site signage and menu boards.

Ancillary development, e.g. parking: None.

### PLANNING HISTORY 2005 TO PRESENT

None.

### POLICY

Local Development Plan: Within settlement limits.

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## Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.16 of Planning Policy Wales states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

National Planning Guidance contained in 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? Not applicable.

## CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

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## ADVERTISEMENT

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

Response: An objection was received from the Community Council.

Summary of observations: 1. The signs would have a detrimental impact on the amenity of the 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?  
None.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. Applications for advertisement consent have to be considered in terms of their impact on amenity and public safety. In that regard it is considered that the proposed signs are appropriate for an established retail property on a retail park. It is accepted that the application property is only some 50m away from residential properties, but the proposed signage will be located below the roof level of the building on the elevation facing those dwellings and the illuminance level of the lighting in the signs is such that there would be no undue glare to nearby properties or highway users. No objection has been raised by the Council's Highways and Public Health teams and as such the proposal is considered to be acceptable in planning terms and it complies with Policies CW2 and CW3 of the Local Development Plan.

Comments from Consultees: No objections raised. No comments received.

Comments from public: The issues raised by the community council are addressed above.

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Other material considerations: None.

In conclusion the proposal is considered to be acceptable in planning terms subject to the imposition of conditions.

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) No source of illumination shall be directly visible from any part of an adjacent highway.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 02) The standard of illumination shall be such that no undue glare or distraction is occasioned to highway users.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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 potential financial liabilities.

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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](http://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](http://www.gov.uk/government/organisations/the-coal-authority).

