

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0729/LA 18.09.2019	CCBC Mr A Bond Corporate Property Ty Penallta Tredomen Park Ystrad Mynach CF82 7PG	Change the use from house to Children's Care Home and conversion of detached garage to habitable studio with associated works to provide access and parking improvements and provision of a shed for storage Ty Isaf Caerphilly Road Ystrad Mynach Hengoed CF82 7EP

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: Ty Isaf, Caerphilly Road, Ystrad Mynach, Hengoed, CF82 7EP.

Site description: Ty Isaf is a large detached house located on the western side of Caerphilly Road approximately 500m south of the settlement of Ystrad Mynach and 250m north of the housing estate known as The Rise on the outskirts of Llanbradach. To the north is a horse training/exercise area (Manège). The nearest residential property is 90m to the north-east. To the west of the site the lane rises to the Caerphilly-Rhymney railway line. To the east across Caerphilly Road are fields and the access road serving the Dyffryn Industrial Estate, with the units on the industrial estate located approximately 150m from the application site on the opposite site of the River Rhymney from the application site.

Development: Change the use from house to Children's Care Home and conversion of detached garage to habitable studio with associated works to provide access and parking improvements and provision of a shed for storage.

The proposed ground floor layout of the main building would have an entrance area, lounge, dining room, games room, kitchen, utility and W/C along with storage.

The proposed first floor layout of the main building would have five bedrooms (four bedrooms for children and one for a staff member) with three bathrooms, an office area and store.

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The garage is proposed to be converted to a studio including kitchenette and w/c and shower.

Dimensions:

The main house at its widest point measures approximately 23m in width by 10m in depth (excluding an entrance porch) and has a ridge height of 7.5m

The garage measures approximately 4.8m wide by 5.9m deep with a ridge height of 4.5m.

Materials:

The main house is finished in a cream render with smooth roof tiles.

The garage is finished in a cream render with smooth roof tiles.

Ancillary development, e.g. parking: A parking area is proposed on an existing grassed area to the north of the dwelling which will be served by a new access. Fencing is proposed to the boundary of the site and this includes 1.8m high steel fencing to the rear and sides.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

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

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

Policies: CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), CW18 (Locational Constraints - Housing for People in need of care), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

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

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SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP10 (Buildings in the Countryside).

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 Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Strategic & Development Plans - The site is located within the Southern Connections Corridor (SCC). Policy SP3 Development Strategy - Development in the SCC requires development proposals within the SCC to promote sustainable development. Specifically proposals in this area should: be targeted to previously developed land within settlement boundaries in the first instance, reduce car borne trips by promoting more sustainable modes of travel, make the most efficient use of existing infrastructure, have regard to the social and economic function of the area, and protect the natural heritage from inappropriate forms of development.

The application proposes the change of use of an existing dwelling to a children's care home. Whilst the site is outside of the settlement boundary, the proposal would ensure the continuing use of an existing building and will therefore protect the natural heritage from inappropriate forms of development.

The application is adjacent to a bus stop, with a regular bus service to both Ystrad Mynach and Caerphilly, so would have the potential to reduce car borne trips by promoting travel by bus for both residents of the children's home, and staff.

SP4 Settlement Strategy defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area. The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted.

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The application site is between Ystrad Mynach, which is defined as a principal town, and Llanbradach, which is a residential settlement in the settlement hierarchy. As it is outside the settlement boundary for both of these settlements, it would not specifically contribute to the role and function of either settlement.

SP5 Settlement Boundaries promotes resource efficient settlements, indicating where growth will be permitted through the delineation of settlement boundaries. Settlement boundaries define the area within which development would normally be allowed, taking into account all relevant planning policy and material planning considerations. This policy needs to be considered alongside Policy CW15, which sets out the types of uses that would be acceptable outside of the settlement boundary.

SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The proposal seeks to change the use of the property, with only minor amendments to the elevations, and the conversion of the garage to a habitable studio. The impact of these changes will be minimal.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that are likely to generate a significant number of trips to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling, and that appropriate infrastructure is included in the layout to facilitate short trips on foot.

The site is between two settlements, and is some distance away from services and facilities, including local schools. There is a footway between the site and Ystrad Mynach to the north, and Llanbradach to the south, and the site is on a regular bus route. It is likely that there will be an increase in car borne trips associated with the change of use due to the number of people that will be employed in the care home (10 full time equivalent employees), but the number of trips are not considered to be significant.

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Policy CW2 Amenity indicates that development proposals must ensure that the proposal would not result in over-development of the site and/or its surroundings. Furthermore, the policy indicates that the proposed use would need to be compatible with the surrounding land uses and not constrain the development of neighbouring sites for their allocated use.

The proposal has the potential to increase the number of occupants of the building, and the number of vehicles parking within the curtilage, but the proposal itself is not considered to be over-development.

Policy CW3 Design Considerations - Highways states that development proposals must meet a number of highways requirements including that new access roads are designed to an appropriate standard. The Head of Engineering Service's views need to be sought on the proposed access arrangements as they relate to Policy CW3.

CW15 General Locational Constraints sets out the types of uses that would be acceptable outside of settlement boundaries. This includes the conversion, rehabilitation or replacement of rural buildings or dwellings. On this basis, the principle of conversion of this dwelling into an alternative use would be acceptable. However, the nature of the proposed use would need to be considered in the context of the Council's SPG on Buildings in the Countryside, which is detailed below.

CW18 Locational Constraints - Housing for People in Need of Care sets out that the development of housing offering an element of care, either through change of use or new development, will be permitted where it is located within defined settlement boundaries and there is safe and easy access to existing community facilities, local shops and services. This policy applies to any types of development where an element of care is provided as part of the development, and the supporting text refers specifically to facilities that can serve the needs of elderly people and/or people with disabilities. It also references that those with mobility needs would benefit from accessible locations near services and facilities. A children's care home is not specifically listed as an example of the type of use the policy would apply to, and the type of care that we understand will be provided is one of supervision, rather than medical care. On this basis, this policy is not considered to apply.

CW20 Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside states that conversion would be acceptable in Criterion A where the proposed use, scale, form, siting, design and materials are suitable within its context. The change to the external design of the building is minimal and it is considered that this is acceptable within its context.

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Criterion B requires demonstration that the building is not makeshift in nature and is capable of permanent, substantial construction and that it is structurally sound and capable of conversion without major alteration or reconstruction. This is considered to be the case.

Criterion B IV requires demonstration that the site will not result in the domestication or urbanisation of an otherwise rural setting or the unacceptable loss of undeveloped countryside. The site is already domestic in character with a defined residential curtilage.

The Council has an adopted Supplementary Planning Guidance document (LDP10 Buildings in the Countryside), which is intended to provide clear guidance on the interpretation and implementation of LDP policies including on the conversion of buildings in the countryside.

The Supplementary Planning Guidance provides further guidance on the design of conversions in the countryside. Whilst the conversion of the dwelling would make some minor materially changes to the exterior of the existing building, this is considered to accord with the principles of the guidance.

The proposal relates to a conversion an existing building that has a previous residential use for use as a children's care home.

Whilst the site is outside the settlement boundary, the principle of the conversion of the dwelling accords with Policy CW15 General Locational Constraints and Policy CW20 Locational Constraints - Conversion, Extension or Replacement of Buildings in the Countryside. Whilst the application site is some distance away from adjoining residential areas, it would secure an ongoing use for a large existing building, and is in a location that is well served by public transport and is accessible to Ystrad Mynach and Llanbradach by foot. On this basis, we do not raise a planning policy objection to the proposal.

Dwr Cymru - No objection.

Senior Engineer (Land Drainage) - SAB approval required and recommends the planning application be deferred.

Rights Of Way Officer - Object to the proposal as the erection of a security fence will obstruct the Public Right of Way which crosses the site.

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Network Rail - Confirms that they have no objection to the principle of the change of use. They would however request that advisory notes are attached to any decision in relation to fencing adjacent to Network Rail's boundary.

Transportation Engineering Manager - No objection subject to conditions to address detailed highway considerations.

Head Of Public Protection - Environmental Health have no objections in principle to the above application but recommends a condition be attached for waste.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and a press notice.

Response: No responses were received relative to the consultation exercise.

Summary of observations: None.

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? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floorspace created is below 100 sqm.

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ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and 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 is being reported to Planning Committee for the reason that it is a Local Authority application considered to be of public interest.

The principle of the proposed change of use from a dwelling to a children's care home is considered to be acceptable. Although the application site is located outside the defined settlement boundary the proposal relates to the conversion of an existing structurally sound dwelling according with criterion Cii of Policy CW15 (General Locational Constraints) and criterion B of Policy CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) in being a permanent structure whose conversion will not materially change the existing character of the building and does not lead to domestication or urbanisation of the rural setting.

In terms of the visual impact of the development there would be limited construction works to facilitate the conversion of the existing garage to a habitable studio including replacement of a roller shutter door on the northern elevation with a wall. There would also be a new window inserted into the southern end elevation and alterations to existing fenestration on the eastern elevation of the garage. The main building would have a new window at first floor level in the northern elevation. These changes would have an acceptable impact on the visual appearance of the house and garage and upon the character of the area according with Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The application site is relatively isolated from surrounding residential properties with the nearest dwelling approximately 90m to the north-east on the opposite side of Caerphilly Road. Due to this separation distance there would be no material overlooking or adverse impact in terms of amenity on residential properties in the area. It is therefore considered that the development would have an acceptable impact on neighbour amenity according with Policy CW2 (Amenity).

The applicant has submitted revised parking arrangements comprising of four parking spaces which the Highway Authority have considered and offer no objections to them. The applicant has clarified that it is anticipated that the staff will work 12 hour shifts with no more than 3 staff looking after the children per shift.

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The application site is also served by footways to Ystrad Mynach and Llanbradach and is close to public transport links with a bus stop located outside the site and to the south served by regular bus services to Ystrad Mynach, Llanbradach and Caerphilly. The development accords with Policy CW3 (Highways).

Comments from Consultees:

In respect of the comments of the Rights of Way Officer who has objected to the proposal due to the obstruction of the Public Right of Way it is noted that the existing situation is that the Public Right of Way has been diverted (without necessary consent) and the lawful route is already blocked. Members are advised that aerial photo records appears to indicate that the stile from the road being in its current position since at least February 2009. It is understood that the applicant is liaising with the Rights of Way Officer to submit a public path order to formally divert the footpath and this matter can be dealt with through Rights of Way legislation and does not preclude a determination of the planning application.

The Senior Engineer (Land Drainage) has requested the planning application be deferred until Sustainable Drainage Approval has been obtained by the applicant. The applicant is aware of the requirement for SAB approval and in this instance it is noted that the application site has significant permeable areas (grassed land) which indicate a Sustainable Drainage solution should be able to be designed. It is therefore considered appropriate in lieu of deferment to add an informative note to the permission highlighting the need for separate SAB approval to be obtained.

Comments from public: None.

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.

The proposed development is acceptable in its design, impact on neighbour amenity and highway safety. It is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

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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:
 - Proposed Ground Floor Plan, drawing reference P03, received 02.09.19;
 - Proposed First Floor Plan, drawing reference P04, received 02.09.19;
 - Proposed Elevations, drawing reference P06, received 02.09.19;
 - Proposed Site plan, drawing reference P07, received 02.09.19;
 - Site Location Plan, drawing reference P08, received 02.09.19;
 - Proposed Studio Plans, drawing reference A08, received 18.09.19;
 - Proposed Parking Plan, drawing reference A11, received 23.10.19.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted drawing reference A11 and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 05) Prior to the occupation of the care home hereby approved all new hard surfacing within the curtilage shall have been:
- 1) constructed in porous or permeable materials, or
 - 2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the care home, and
 - 3) where a surface is to be used as a parking area or drive it shall not be constructed in loose materials,
- and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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 first agreed in writing with the local planning authority.
REASON: In the interest of public health in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Notwithstanding the submitted plans prior to the commencement of the use hereby approved 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 use is brought into beneficial use.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

Please find attached the comments of Network Rail, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Rights of Way Officer 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.

In order to widen the existing dropped vehicular access as shown on the submitted plans, the constructional details must be agreed with the Highway Authority. The applicant should ring (01443) 863112 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

