

Application Number: 21/0232/RET

Date Received: 05.03.2021

Applicant: Mr Z Poyner

Description and Location of Development: Retain and complete the change of use from existing coach business to car sales compound - The Garage Woodfield Street Woodfieldside Pontllanfraith Blackwood

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is located at the northern end of Woodfield Terrace and to the west of the Sirhowy Enterprise Way, Woodfieldside, Blackwood.

Site description: The application site is a former bus depot with associated yard and maintenance building situated on the edge of a residential area on the eastern periphery of Woodfieldside. The site is gently sloping from north west to south east with the maintenance building in the southern part of the site. There was a portable office building in the north west corner of the site that has now been demolished. The majority of the site was hard surfaced with tarmac with a small grassed area towards the north east boundary but the whole of the site has now been hard surfaced and a new office building has been sited adjacent to the western boundary of the site.

The site is within a mainly residential area with the Sirhowy Enterprise way to the north and east, an OAP hall close to the access which is in the north west corner of the site, a grassed area adjacent to the western and southern boundaries of the site, with houses on the western side of Woodfield Terrace and to the south of the grassed area.

Development: This application seeks full planning consent for the retention of the change of use of the yard to car sales. The repair building in the southern part of the site is to be retained with the remainder of the site to be used for car sales and parking of staff and visitors and the retention of the portable office building. The submitted site layout plan shows 26 spaces for car sales with 6 visitor parking spaces and 1 staff parking space.

Information submitted in support of the application states that the repair building will be used for simple maintenance of vehicles prior to be placed on sale. It is suggested that vehicles will not be brought to the site by transporter and instead will be brought to the site by the operator individually when purchased. The applicant also states that at present he has not experienced any more than three customers at the site at any time and that it is not expected that this would increase moving forward. The fuel tanks associated with the former bus depot use have been removed and hardcore has been

imported to create a hard surface in those areas and security lighting has been erected on the boundary of the site.

Dimensions: The site has overall dimensions of 60m by 25m.

Materials: Not applicable.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT

15/1113/NCC - Vary Condition 4 of planning consent 09/0230/OUT (Change the use of land from commercial to residential use and construct residential properties) to extend the period of time within which the development must commence by a further five years - Granted 07.01.2016.

13/0628/NCC - Vary condition 2 of Appeal decision 07/0036/REF (APP/K6920/A/07/2048787 - 06/0368/FULL) to allow the siting of a portable container and parking at this location for a term up to the time of the redevelopment of the site as per planning permission 09/0230/OUT granted 9th December 2010 or for an additional six years whichever is the sooner - Granted 18.10.2013.

09/0230/OUT - Change the use of land from commercial to residential use and construct residential properties - Granted 09.12.2010.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

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

National Policy: Planning Policy Wales (11th Edition) Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - 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. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

5.4.15 Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

National Planning Guidance contained in Technical Advice Notes (TAN) 12 - Design and TAN 23 - Economic Development.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be taken into account in the determination of applications at all levels.

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 subject to conditions.

ADVERTISEMENT

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

Response: 26 letters of objection have been received.

Summary of observations:

1. Access to the street is via a residential street.
2. Children play in the street and there may be an accident.
3. Security lighting has been erected that is very bright and shines directly onto the street at night.
4. The previous use didn't disturb residents as the movements were quite low. The proposed use would increase movements.
5. The use could lead to increased crime in the area.
6. Large vehicles have delivered items to the site.
7. Trees have been cut down on the bypass.
8. There is insufficient parking in the area for this use.
9. Exhaust pollution from the increase in vehicles.
10. The application site is not an established industrial use.
11. A court order prevents anyone other than Bernard Perry from operating the site as a bus depot.
12. Loss of privacy from the lights.
13. The site does not have a segregated pedestrian access.

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. This application seeks full planning consent for the retention of a car sales use on an existing commercial use in a residential area and as such the main points to consider in the determination of this application are whether the proposal would have a detrimental impact on the amenity of the area or on highway safety.

In respect of the first matter it is acknowledged that Woodfield Street is a quiet residential cul de sac but it should also be noted that the application site has a lawful planning use as a bus depot. Whilst that use has not operated on the site for over 2 years, it has not been abandoned in planning terms and could re-open as a bus depot without the need for further planning consent. That use would also be unrestricted by planning conditions as no such conditions were imposed on the previous use.

Whilst there has undoubtedly been disturbance during the setting up of this business, that is not to be unexpected when any new business or operation moves onto a site and efforts are made to improve the environment within the site. In this instance the applicant has moved over 20 vehicles onto site in a short period of time and has also imported a new office building onto site whilst removing the dilapidated portable building that was previously there. Whilst these works are a short term consequence of the re-use of the site they do not in themselves form part of the ongoing operations and should not be taken into account in the considerations of its impact moving forward.

With regard to the proposed use, the applicant has stated that new vehicles for sale will be driven to the site rather than brought on transporters and as such the impact of this is likely to be very low with a turnover of perhaps three to four vehicles per week. The number of customers to the site is also likely to be low with most sales now carried out on line with only the occasional passing visitor and customers collecting vehicles they have purchased. Whilst some customers may then call to the site to view this vehicle this would significantly reduce the number of passing customers. The maintenance of these vehicles is likely to be less than that of a bus depot that could operate from the site and as such it is considered that the impact of the use on the amenity of the area is acceptable in planning terms.

With regard to any visual impact of the development it should be noted that the works carried out by the developer have improved the appearance of the site. It should also be noted that the security lighting erected on site is able to be positioned such that no undue glare would be occasioned to nearby dwellings and this can be controlled by condition. The condition can also control the hours of operation of the lighting such that it is not in use at all times thereby reducing any impact on residential amenity.

It is considered in light of the above that the proposal is acceptable in terms of amenity, that it is compatible with surrounding land uses and as such it complies with Policy CW2 of the LDP.

In respect of highway safety a number of concerns were raised with regard to the current quiet nature of this cul de sac and the limited amount of vehicle movements in the area prior to the car sales use recently occupying the site. In that regard it should again be noted that the site had a lawful use as a bus depot and there were no controls over vehicular movements from that use. Consequently, and notwithstanding the fact that the movements associated with the previous use were low when the site was last occupied, the levels of movements had the potential to increase without any control from the Local Planning Authority. As most bus companies would operate school contracts, with buses leaving and entering the site in early morning and early afternoon periods, they would also operate other contracts and weekend work that the Local Planning Authority could not control.

It should also be noted that application 15/1113/NCC granted consent for residential development on this site for three dwellings. Whilst that consent has now lapsed, it does establish that the vehicular movements associated with those three dwellings would be acceptable on the highway network. Given a minimum of six vehicular movements per day per dwelling that is a minimum of eighteen movements per day for a residential development of three no. three bedroom dwellings on this site. This is likely to be higher than any figure associated with the proposed use.

With regard to on-site parking it should be noted that an amended plan submitted with the application shows the provision of 26 car sales spaces with 6 visitor parking spaces and one staff parking space. This is considered to be acceptable in highway safety terms.

Given the comparison in vehicular movements between the lawful and proposed use of the site, the type of vehicle that used to access the site for the lawful use, and the provision of parking on the site, it is considered that the proposed use is acceptable in highway safety terms and the proposal complies with Policy CW3 of the LDP.

Comments from Consultees: No objections raised. With regard to the suggestion from the Transportation Engineering Services Manager that the consent be made personal to the applicant as any future owner may wish to operate the business in a different way using transporters to deliver vehicles to the site, it is considered that such a condition would not be necessary. Whether any future owner wishes to operate in a different way or not would be irrelevant as they would still be required to comply with the conditions of the consent. Any variation from this would be a breach of the proposed condition and as such appropriate action could be taken to secure compliance.

Comments from public:

1. Access to the site is via a residential street. The access to the site is addressed above. - The proposed use is less intensive than the potential for the lawful use and as such it is considered to be acceptable in planning terms.

2. Children play in the street and there may be an accident. - There is no greater potential for accidents relating to the proposed use than to the lawful use for the site.
3. Security lighting has been erected that is very bright and shines directly onto the street at night. - This is addressed above.
4. The previous use didn't disturb residents as the movements were quite low. - The proposed use would increase movements. This is addressed above.
5. The use could lead to increased crime in the area. - There is no evidence to substantiate the claim that such a use would lead to increased crime in the area.
6. Large vehicles have delivered items to the site. - This is addressed above.
7. Trees have been cut down on the bypass. - This is not a material consideration in the determination of this application. The trees in question are on Council land and powers exist under other legislation to seek their reinstatement should it be considered necessary.
8. There is insufficient parking in the area for this use. - This is addressed above.
9. Exhaust pollution from the increase in vehicles. - As stated above it is not considered that there would be any increase in traffic over and above that which could be possible from the lawful use of the site. Moreover, the previous use involved the operation of large diesel vehicles which would have had the potential for more harm than the proposed use.
10. The application site is not an established industrial use. - This is addressed above.
11. A court order prevents anyone other than Bernard Perry from operating the site as a bus depot. - This is not a material planning consideration. As stated above the site has a lawful use in planning terms and that is what has to be considered here. Any action under the court order would be under other legislation.
12. Loss of privacy from the lights. - As stated above the lights on the site can be sited such that they do not shine into the residential area. Moreover, as the lights are a minimum of 25m from the nearest dwelling it is not considered that any loss of privacy would occur.
13. The site does not have a segregated pedestrian access. - A segregated pedestrian access is not required in planning law or guidance.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents: SD556 01 received on 1st April 2021 and the design and Access Statement received on 25th March 2021.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) The use hereby permitted shall not be open to customers outside the following times (a) 10.00 hours to 18:00 Monday to Saturday, and (b) 10:00 hours to 16:00 hours Sundays and Bank Holidays.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.

- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 06) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) Within two months of the date of this consent the area indicated for the parking of vehicles for sale, customer parking and staff parking shall be laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than that specified in the approved plan.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Notwithstanding the submitted details, no vehicle transporters shall be used to deliver or remove vehicles from the site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.