

**Application Number:** 18/1077/FULL

**Date Received:** 02.01.2019

**Applicant:** The Caerphilly Development Company

**Description and Location of Development:** Demolish an existing office building and construct 29 apartments together with a ground floor retail unit and associated external works and parking - Llys Ifor Crescent Road Caerphilly.

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is located on the western side of Crescent Road at the entrance to the Crescent Road Car Park.

Site description: The application site encompasses a detached office building and associated parking area located on the edge of Caerphilly Town Centre. The office building is located in the centre of the site with a large grassed area to the front and a yard/car park to the rear. The application site also includes a small area of the public car park to the rear of the site.

Development: This application seeks full planning consent for the demolition of the existing building together with the erection of a new building to accommodate a five storey building providing 15no 1 bed apartments and 14no 2 bed apartments. The ground floor of the building will also accommodate a retail unit in the north east corner with scooter store, plant room and bin store. A drivers rest area is also proposed at the rear of the ground floor of the building.

Dimensions: The building is I-shaped with a frontage measuring 29.75m with a depth of 17.68m on the shortest side and 31.15m on the longest side. It has a height of 9.825m to the eaves with a height of 11.825m to the ridge.

Materials: The building is proposed to be finished in face brickwork with a zinc clad mansard roof.

Ancillary development, e.g. parking: 14no parking spaces are proposed to the rear of the building. The additional parking spaces are provided on land forming part of the Crescent Road public car park, which is to be leased from the Council.

PLANNING HISTORY 2005 TO PRESENT None.

### POLICY

Local Development Plan: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policies Within settlement limits.

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

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.

Caerphilly Basin Masterplan.

National Policy: 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.

National Planning Guidance contained in Technical Advice Note 12 - Design.

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? The site is located in a low risk area.

### CONSULTATION

CADW - No objection.

Caerphilly Town Council - No comments received in respect of the amended scheme.

Transportation Engineering Manager - CCBC - No objection subject to conditions.

Head Of Public Protection - CCBC - No objection subject to conditions.

Heritage And Placemaking Officer - No objection subject to the submission of details of materials and for the design of the frontage of the retail area.

Senior Engineer (Land Drainage) - No objection subject to the submission of a land drainage scheme.

Senior Arboricultural Officer (Trees) - No comments received.

Parks And Open Spaces - No comments received.

Ecologist - No objection subject to the provision of bio-diversity enhancement.

Landscape Architect - CCBC - No objection subject to conditions.

Dwr Cymru - Provide advice to be conveyed to the developer.

Wales & West Utilities - No comments received.

Police Architectural Liaison Officer - No objection.

Western Power Distribution - Provide advice to be conveyed to the developer.

Landscape Architect - CCBC - No objection.

Senior Engineer (Land Drainage) - No objection subject to the submission of a land drainage scheme.

Landscape Architect - CCBC - No objection subject to conditions.

Strategic & Development Plans - Agrees with the findings of the Viability Assessment and raises no objection to the application.

### ADVERTISEMENT

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

Response: One letter of objection was received.

### Summary of observations:

1. Lack of car parking.
2. Loss of view.
3. Will elderly residents want to live in such a busy area?
4. The building is too large.

### 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? The application was supported by an ecological survey. This survey has been assessed by the Council's Ecologist and it is accepted that the impact on protected species is acceptable subject to bio diversity enhancement. In that regard the proposal complies with Policy CW4 of the LDP.

Is this development Community Infrastructure Levy liable? Yes. The application site is located in the Higher Viability area where CIL is charged at £40 per square metre for residential uses, CIL is also charged at £100 per square metre for retail uses and £25 for food and drink uses.

### 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 erection of a mixed use development of retail and residential uses on a site on the edge of Caerphilly Town Centre and located within the defined settlement limits. As such it is considered that the principal of the

development is acceptable having regard for the function of settlements within Caerphilly County Borough and the requirements of Policies SP3 and SP5 of the LDP. In that regard the main points to consider in the determination of this application are whether the proposed development is acceptable in terms of its design, scale and massing, impact on the amenity of the area and highway safety issues.

With regard to the first matter it is acknowledged that the application proposes a five storey building with accommodation provided in the mansard roof space. However, this height has been reduced by one storey from the original proposal and as can be seen from the street view elevation plans submitted with the application, the proposed building would be similar in scale to the adjacent office building with lower eaves and ridge heights than that building. In that regard it is not considered that the scale of the building is out of keeping with the character of the area. In terms of the use of materials it is considered that the face brickwork proposed for the walls of the building are in keeping with the character of the buildings immediately adjacent to the application site and in terms of the zinc mansard roof it is considered that this represents a good mixture of the old and the new which acknowledges the traditional character of materials used in roofing dwellings in the area whilst utilising modern construction techniques. In that regard it is considered that the materials used are acceptable. The design of the building is also considered to have regard for the character of the wider area and maximises the opportunities offered by this prominent site located close to Caerphilly Castle and as such the proposal is considered to be acceptable in design terms and complies with Policy SP6 of the LDP.

In terms of the amenity of the area it should be noted that the application site is located on the edge of Caerphilly Town Centre and in close proximity to Caerphilly Castle and Crescent Road car park. In that regard it is considered that the site offers a unique opportunity for a mixed use such as that proposed which will enable much needed housing to be provided in close proximity to the services offered in the town centre, together with a retail use that can complement the attractions offered by the castle. The provision of the driver's rest area will also help to meet the aims of the Caerphilly Basin Masterplan to improve Caerphilly as a tourist destination by encouraging increased dwelling time in the town centre. These benefits, together with the location of the building in a mostly commercial area surrounded by office buildings, churches, the castle and the car park mean that the use of the building is compatible with the existing uses in the area and there would be no unacceptable impact on the amenity of the area. There would also be no loss of privacy to neighbouring buildings as a result of the proposal and as such it is considered that the proposal complies with Policy CW2 of the LDP.

In respect of highway safety it should be noted that careful consideration has been given to the level of car parking to be provided as part of this development. In that regard additional land is also to be leased from the Council in order to provide additional parking to meet the requirements of the adopted supplementary planning guidance. The Transportation Engineering Services Manager has also considered the impact of the proposal on the highway network serving the area and it is not considered that there

would be any detrimental impact. In that regard it is considered that the proposal complies with Policy CW3 of the LDP.

It should be noted that Policy CW11 of the LDP sets out targets for the provision of affordable housing within the County Borough and in the Caerphilly Basin area this target is set at 40% of all units proposed. However this is a target and regard must be had for whether or not the development is viable. In that respect the applicant has submitted a viability assessment which has been independently assessed by the Council. It is considered that the assessment adequately establishes that the provision of affordable housing would not be viable in this instance and as such none is proposed. This is in accordance with Policy CW11 and the Guidance contained in Supplementary Planning Guidance LDP1.

Comments from Consultees: The Head of Public Services has raised concerns as to whether or not sufficient space has been provided within the development to accommodate the number of bins required to comply with the Council's current standards. It is acknowledged that the provision of refuse storage is a material planning consideration but it should also be noted that a balance must be struck between this and the need to enable development on this site. In that regard it is considered that sufficient provision has been made within the development for the storage of waste from a planning perspective and it is for the developer and the Head of Public Services to liaise with regard to alternative provision within the site.

No other objections are raised.

Comments from public:

1. Lack of car parking - This is addressed above.
2. Loss of view - This is not a material planning consideration.
3. Will elderly residents want to live in such a busy area? - This is a matter of personal choice for the potential residents and is not a material planning consideration.
4. The building is too large - This is addressed above.

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 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:  
1360 PL1 01A - Site Location Plan,  
1360 PL1 03D - Proposed Ground Floor and Site Plan,  
1360 PL1 04C - Proposed Upper Floors Plan,  
1360 PL1 05C - Proposed Elevations,  
1360 PL1 06B - Street Elevations.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The development shall not be commenced 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the occupation of the development hereby approved all hard surfacing within the site 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 dwellinghouse, 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.

- 05) 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. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
  - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
  - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, 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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of development, a Japanese Knotweed remediation plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall be implemented as agreed by a suitably qualified and licenced contractor.
- REASON: To prevent possible offences under the Wildlife and Countryside Act 1981 (as amended) by preventing damage to the proposed new building and infrastructure and to prevent the spread of a Schedule 9 species.
- 07) The building shall incorporate 6 No. integrated Swift boxes, to be installed in the walls at the highest points available and to be integrated as a cluster. The boxes must be built in prior to beneficial use of the building.
- REASON: To provide compensation and additional nesting for birds 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).
- 08) No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building(s) and associated plant and equipment. The

measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.

REASON: To ensure that the demolition is carried out in an appropriate manner in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) The retail use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 07.00 hours to 22.00 hours Sunday.

REASON: In the interests of residential amenity.

- 12) 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.

- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the

need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://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, excavations for 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.

If any 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)

#### Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

#### Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

#### Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure)

(Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Please find attached comments from Dwr Cymru/Welsh Water.