

Application Number: 22/0207/RET

Date Received: 19.04.2022

Applicant: Mr J Norvill

Description and Location of Development: Retain the change of use of existing site and buildings to mixed-use (B1, B2, B8, D2, Sui Generis) - T G Howell And Sons Limited Clifton Street Rogerstone Risca Newport.

APPLICATION TYPE: Retain Development Already Carried Out.

SITE AND DEVELOPMENT

Location: The application site is located on land adjacent to Clifton Street, Risca.

Site description: The site is former sawmill, consisting of approximately 9 units spread across the site, the site as a whole is considered to be a B2 use. The site is accessed via Clifton Street, a single track road off Herbert Avenue, Rogerstone. There are 8 dwellings along Clifton Street, of which the end dwelling shares a boundary with the application site. The remaining boundary of the site is largely covered in trees. The Brecon and Monmouthshire Canal is to the north of the site, well screened by vegetation, the canal can be accessed via a public right of way that crosses the site.

Development: The proposed development is for the retention of the change of use of the units within the site. The site has been split into 8 units, as well as the top yard area of the site. The units are as follows:

- Unit 1 - Car Body Repairs, B2 use.
- Unit 2 - Karate Club, D2 use.
- Unit 3 - Builder Storage, B8 use.
- Unit 4 - Clairvoyant, B1 use.
- Unit 5 - Builder Storage, B8 use.
- Unit 6 - Motorbike Breaking, Sui Generis use.
- Unit 7 - Personal Training Gym, D2 use.
- Unit 8 - Van Repairs, B2 use.
- Top Yard Area, remaining as B2 use.

No additional buildings or construction work is required to facilitate the changes of use, with each business/use occupying the existing buildings/units.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: A more formal parking layout and turning area has been proposed, however no physical development is required to facilitate this.

PLANNING HISTORY 2010 TO PRESENT 17/0165/FULL - Erect office extension to front and wood burning boiler system flues- Granted - 15.06.2017.

POLICY

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

Site Allocation: The application property is located within settlement limits.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW13 (Use Class Restrictions - Business and Industry), CW15 (General Locational Constraints) and together with advice contained within the Council's adopted Supplementary Planning Guidance contained within LDP5: Car Parking Standards and LDP6: Building Better Places to Live.

NATIONAL POLICY Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 5: Nature Conservation and Planning (September 2009) and Technical Advice Note 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 of low risk, should any issues arise, this will be dealt with through the building regulations approval process.

CONSULTATION

Environmental Health Manager - No objection, subject to conditions relating to operating hours for each use/unit, sound mitigation, external lighting, safe ingress and egress routes and potable water/sanitary facilities.

Transportation Engineering Manager - CCBC -

Rights Of Way Officer - Objection raised, informative notes suggested.

CADW - No comments received.

Landscape Architect - CCBC - No objection, subject to conditions relating to improvements to the main site entrance and signage relating to the Public Right of Way.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters.

Response: Four letters of objection were received.

Summary of observations: The objections can be summarised into the following points:

1. The volume and speed of traffic generated is excessive.
2. The noise generated by the uses is excessive.
3. The operating hours currently used are longer than outlined in the submission.
4. The number of parking spaces in reality is fewer than shown on the submitted plans.
5. The Public Right of Way is often blocked.
6. Visitors to the site often block the properties along Clifton Street.
7. The previous owner of the site would not allow his employees to hinder the use of the Public Right of Way and would not allow them to be rude the users.
8. Issues raised in relation to the completion of the application, these being:
Development started without consultation.
How can contamination not be an issue?
Access is substandard.
Parking is not sufficient.
Statement relating to trees and hedges is not correct.
The mains sewer would not cope with additional volume of waste as a result of the development.
Employment of the number of staff would further worsen parking issues.
Opening hours and laws relating to proximity to residential properties, including noise.
9. Owner of the site is not maintaining vegetation and land within ownership.
10. The units have been numbered 1 to 8, as such residents of 1-8 Clifton Street often receive mail meant for the units within the site.

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? Based on current evidence, the proposal is unlikely to have a significant impact on biodiversity. However, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements will be sought as part of this development.

Is this development Community Infrastructure Levy liable? No, as no additional floor space is proposed. Furthermore, the uses do not generate a need for CIL payments.

ANALYSIS

Policies: This application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance. The main issue for consideration in the determination of this planning application is whether the proposals are considered acceptable in terms of the principle of the development in this location, its impact upon the character of the surrounding area and neighbouring properties together with highway safety implications.

Policy SP5 relates to settlement boundaries. The purpose of this policy is to promote resource efficient settlements, indicating where growth will be permitted through the delineation of settlement boundaries. By defining settlement boundaries, the plan defines the area within which development would normally be allowed, taking into account material planning considerations. The plan can also promote the full and effective use of urban land and concentrate developments within settlements.

To that end, SP3 outlines development within the Southern Connections Corridor, in which the application site is located. Policy SP3 promotes development that uses previously developed land within settlement limits, makes the most efficient use of existing infrastructure and has regard to the social and economic function of the area. The proposal is within the settlement of Risca, and utilises previously developed land and the infrastructure that is currently in situ, with no physical construction required. Furthermore, the uses proposed will serve the social and economic function of the area by offering a variety of uses that can be used by residents of the settlement and wider areas.

Policy CW15 of the Local Development Plan (LDP) states that development proposals will be considered against the following criteria, where they apply:

B - Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located.

As detailed above, the proposed development is to change the use of the whole site, into a number of different uses for each of the units within the site. As such, the site provides a wider variety of roles and functions that can serve the settlement in which it is located.

Given the commercial nature of the site, being a lawful B2 use, which is general industry. This use class included the former use of the site as a sawmill, but can also include manufacturing and engineering, as well as car/van repairs. It should also be noted that under The Town and Country (General Permitted Development) Order 1995, Schedule 2, Part 3 (as amended), B2 uses can change use to B1 and B8 with restrictions. The restriction being that any B8 floor space created does not exceed 500 sqm of the floor space in the building. As such, some aspects of the development do not need specific planning permission. This does not, however, negate the need to assess the impact of the development as part of this planning application.

Unit 1 is remaining a B2 use, as such no change of use required.

Unit 2 is changing to a D2 use, planning permission is required for this.

Unit 3 is changing to a B8 use, permitted development allows for this change of use without the need for planning permission.

Unit 4 is changing to a B1 use, permitted development allows for this change of use without the need for planning permission.

Unit 5 is changing to a B8 use, permitted development allows for this change of use without the need for planning permission.

Unit 6 is changing to a Sui Generis use, planning permission is required for this.

Unit 7 is changing to a D2 use, planning permission is required for this.

Unit 8 is remaining a B2 use, as such no change of use required.

The top yard area of the site is remaining a B2 use, as such no change of use required.

Policy SP6 of the LDP states that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:

A. An appropriate mix of uses that reflect the role and function of settlements.

B. A high standard of design that reinforces attractive qualities of local distinctiveness.

D. A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all.

The proposed development is considered to comply with criterion A, B and D of Policy SP6 as it results in a mix of uses within the settlement of Risca, providing a service that reflects the function of the settlement. Risca/Pontymister is the principal town within the Southern Connections corridor and as such, the transport links and accessibility of the area is highest in this location. The town is also considered to be a major employer of the area, provider of services and centre of population. As such, the location is considered to be a sustainable location with transport links and accessibility an existing

feature, and with the need for such a development. Furthermore, the proposed development gives an opportunity for the site to be utilised for an appropriate use and not fall into disrepair through vacancy. The external appearance of the buildings will remain unchanged in that no new openings are proposed.

Policy CW2 states that development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A. There is no unacceptable impact on the amenity of adjacent properties or land.
- B. The proposal would not result in over-development of the site and/or its surroundings.
- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

The proposed development results in a number of different uses, spread throughout the units across the site. As such, the different uses have a potential to result in different impacts to the amenity of the area. Of which this issue would be most noticeable in its impact on the nearby residential properties at Clifton Street. To that end, consultation with the Council's Head of Public Protection was undertaken, to which no objection was raised providing a number of conditions were added to any consent granted. The conditions relate to operating hours, specific to each use, so that work cannot be undertaken at unsociable hours. In addition to this, no deliveries in relation to the B2 uses, shall be undertaken outside of the operational hours of the units. A condition requiring sound insulation has been added with regard to the D2 uses, to ensure that any music associated with the use is mitigated to an appropriate degree. On a wider note, a condition requiring an external lighting plan to be submitted will also be attached, to ensure that lighting is appropriate for the use, and does not impact the neighbouring dwellings.

It should also be noted that the site benefits from a lawful, unrestricted, B2 use, as such it would not require planning permission to continue operating as a B2, albeit with a different business. In addition to this, and mentioned above, under permitted development, a B2 use can change to a B1 use and B8 use without the need for planning permission, subject to certain restrictions. Given this, and the above mentioned conditions, it is considered that the proposed development and uses would not have a detrimental impact on the amenity of the dwellings along Clifton Street any greater than the lawful use, and as such complies with criterion A of Policy CW2.

In a wider sense, the proposed development would not result in over development of the site in that sufficient operational and servicing space has been demonstrated, it will also not constrain neighbouring land uses adjacent to the site and it's visual impact would be limited given the existing commercial/ light industrial setting and therefore it is not considered that the proposed development would cause any undue harm to the

character of the surrounding area. As such, the proposal complies with criterion B, C and D of Policy CW2.

Policy CW3 of the LDP considers highway safety implications and states that:

A. The proposal has regard for the safe, effective and efficient use of the transportation network.

C. Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008.

Further to consultation with the Council's Transportation and Engineering Manager, no objection was raised subject to conditions relating to the implementation of the submitted parking plan. Concerns have been raised regarding the existing access and volume of traffic that the proposal would generate. It is acknowledged that the access is narrow, however the extant use catered for numerous HGV movements on a daily basis, in an unrestricted fashion. As such, it is considered that the proposed use and the traffic generated would not result in an impact over and above the previous use and potential lawful use of the site. Each of the proposed uses within the site generates its own parking requirements, a plan has been submitted that outlines the parking spaces for each use in accordance with the Local Planning Authorities Supplementary Planning Guidance LDP5: Car Parking Standards. As such, given the above, the proposed development is considered to comply with Policy CW3.

Policy CW4 of the LDP is in relation to Natural Heritage Protection and states that development proposals that affect locally designated natural heritage features will only be permitted:

A. Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL).

B. Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, or Local Priority Habitats and Species, where proposals either:

i. Conserve and where appropriate enhance the ecological or geological importance of the designation, or

ii. Are such that the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature.

Further to consultation with the Council's Landscape Architect, it was acknowledged that the site is largely bounded by large mature trees and vegetation. As such, the natural characteristic of the site surroundings helps to shield the wider vantage points. Furthermore, the proposal does not alter the existing tree cover. As such, the proposal complies with Policy CW4.

On the basis of the above observations the proposals comply with policies SP3, SP5, SP6, CW2, CW3, CW4 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010 and guidance contained within SPG LDP5: Car Parking Standards and SPG LDP: Building Better Places to Live. The application is therefore considered acceptable in planning terms and recommended for approval.

Comments from Consultees: An objection was raised by the Council's Rights of Way Officer on the basis that it obstructs a Public Right of Way. Referring to this obstruction, which was initially implemented in 1963, given the length of time, there would be a reasonable expectation to update the definitive maps. The buildings causing the obstruction at the site are lawful, and it would therefore be unreasonable to request the reinstatement of the Public Right of Way, as this would result in the demolition of the buildings. Moreover, this application merely seeks a change of use of these buildings and as such, this does not affect any existing obstruction to the right of way.

Comments from public: The following responses are provided in relation to the objections raised:

1. The volume and speed of traffic generated is excessive - The speed of the traffic cannot be controlled through the planning process. The site is capable of accommodating the number of cars for the associated uses. The issues relating to the access are addressed in the above report.
2. The noise generated by the uses is excessive - Conditions to mitigate the noise created have been recommended.
3. The operating hours currently used are longer than outlined in the submission - Regardless of this, conditions have been added to the decision with appropriate operating hours for each use.
4. The number of parking spaces in reality is fewer than shown on the submitted plans - The applicant will need to ensure the parking spaces are laid out in accordance with the submitted plan.
5. The Public Right of Way is often blocked - This is covered under separate legislation and is not a planning or a material planning consideration.
6. Visitors of the site often block the properties along Clifton Street - This is not a planning or a material planning consideration.
7. The previous owner of the site would not allow his employees to hinder the use of the Public Right of Way and would not allow them to be rude to the users - This is not a planning or a material planning consideration.
8. Issues raised in relation to the completion of the application form, these being:

Development started without consultation - There is no duty on the applicant to consult nearby residents. The LPA consulted in accordance with planning legislation.
How can contamination not be an issue? - Given the proposed uses, contamination is not considered to be an issue.

Access is substandard - The Highways Authority have not objected on this basis, as discussed in the above report.

Parking is not sufficient - The parking provided is in accordance with SPG LDP5: Car Parking Standards.

Statement relating to trees and hedges is not correct - No trees or hedges are impacted by the proposed development.

The mains sewer would not cope with additional volume of waste as a result of the development - To install toilets and connect to the public sewer system does not need planning permission. Consent would need to be obtained from Welsh Water prior to any connections, whereby they would advise if the system has capacity for additional toilets at the site.

Employment of the number of staff would further worsen parking issues - Sufficient parking has been provided.

Opening hours and laws relating to proximity to residential properties, including noise – The hours of opening for each of the uses are controlled by condition as discussed above.

9. Owner of the site is not maintaining vegetation and land within ownership - This is not a planning a material planning consideration.

10. The units have been numbered 1 to 8, as such residents of 1-8 Clifton Street often receive mail meant for the units within the site - This is not a planning a material planning consideration.

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

- 01) The development shall be carried out in accordance with the following approved plans and documents:
Dwg No. Site Location Plan received on 04.03.2022;
Dwg No. Site Plan received on 04.03.2022; and
Dwg No. RAC/9479/5 - Parking Plan received on 23.08.2022.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Any units within the site with a B1 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:
(a) 08:00 hours to 22:00 hours Monday to Saturday, and
(b) 09:00 hours to 17:00 hours Sunday 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) Any units within the site with a B2 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:
(a) 08:00 hours to 18:00 hours Monday to Friday, and
(b) 08:00 hours to 13:00 hours Saturday.
and no operation 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.
- 04) Any units within the site with a D2 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:
(a) 08:00 hours to 22:00 hours Monday to Saturday, and
(b) 09:00 hours to 17:00 hours Sunday 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.
- 05) Any units within the site with a B8 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:
(a) 07:00 hours to 18:00 hours Monday to Friday, and
(b) 08:00 hours to 13:00 hours Saturday.
and no operation 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.
- 06) Any units within the site with a B2 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:
(a) 07:00 hours to 18:00 hours Monday to Friday, and

(b) 08:00 hours to 13:00 hours Saturday.
and no operation 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.

- 07) Details of a scheme of sound mitigation for the units with a D2 use shall be submitted within one calendar month of the date of this consent to the Local Planning Authority for approval. The approved sound mitigation scheme shall be installed within two calendar months of the approval of such details.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Within one calendar month of the date of this permission, a scheme for external site lighting including details of the lighting units, levels of illumination and hours of use shall be submitted to the Local Planning Authority for approval. 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.
- 09) No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written agreement of the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no unit within the site shall change use class without the approval of the Local Planning Authority.
REASON: In the interests of neighbour amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Within 3 calendar months from the date of this consent, the areas indicated for the parking and turning of vehicles shall be laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Within 3 calendar months of the date of this consent, the proposed materials to surface the parking and turning areas shall be submitted to and approved in

writing by the Local Planning Authority. The approved details shall then be implemented within 3 calendar months of their approval.

REASON: To ensure that the development is provided with appropriate surfacing in accordance with policy CW3 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.

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

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