

PREFACE ITEM

APPLICATION NO. 17/1000/FULL

APPLICANT(S) NAME: Mr F Taylor

PROPOSAL: Erect building comprising lower storey apartment, ground floor retail (chemist) and first floor storage/utilities

LOCATION: Land At Grid Ref 316824 201370 (Former Video Shop) Abernant Road Markham NP12 0PR

The above planning application to erect a building comprising of a lower storey (basement) 1-bedroom apartment, ground floor retail (chemist) and first floor storage/utilities associated with the ground floor commercial element was reported to Planning Committee on 18th April 2018 with a recommendation for approval subject to conditions. A copy of the previous report is attached as an Appendix.

At the meeting, it was moved and seconded that the application be deferred to allow officers to produce a reason to refuse the application on the basis that the development would have inadequate off-street parking provision.

RECOMMENDATION – That planning permission be GRANTED subject to the conditions contained in the original report, on the basis that the site benefits from an extant planning permission with only 1 parking space as opposed to the 2 spaces offered by the current proposal. However, should members be minded to refuse the application, the following reason for refusal is suggested:

1. In the absence of adequate levels of off-street parking to serve the proposed development in accordance with the Council Adopted Supplementary Planning Guidance LDP5: Car Parking Standards (January 2017), the development would result in increased on-street parking pressure to the detriment of highway safety contrary to Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/1000/RET 05.01.2018	Mr F Taylor 3 Torrens Drive Lakeside Cardiff CF23 6DQ	Retain building comprising lower storey apartment, ground floor retail (chemist) and first floor storage/utilities Land At Grid Ref 316824 201370 (Former Video Shop) Abernant Road Markham NP12 0PR

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is located on Abernant Road, Markham.

Site description: Vacant plot of land formerly occupied by a video shop.

Development: It is proposed to erect a two/three storey split level building comprising a one-bedroom flat at basement level, a shop at ground floor level (Chemist), and storage associated with the ground floor retail element at first floor level.

Dimensions: The building has a footprint measuring 5.85m in width, 14.6m in depth, with a height of 7.0m to ridge level when viewed from Abernant Road.

Materials: Painted smooth render, grey roof tiles/slates, and white upvc doors/windows.

Ancillary development, e.g. parking: Two parking spaces are proposed to serve the development.

PLANNING HISTORY 2005 TO PRESENT

07/0781/FULL - Demolish video shop and rebuild new commercial unit - Granted 15.10.07.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints), and advice contained in Supplementary Planning Guidance LDP5: Car Parking Standards (January 2017).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

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? No.

CONSULTATION

Minerals Officer - No comments.

Transportation Engineering Manager - Raise objection on the basis that according to the adopted car parking standards, 3 off-street parking spaces are required to serve the proposal and only 2 spaces are proposed. However on the basis of the extant 2007 planning permission, this objection is not considered to warrant a refusal of planning permission.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection subject to land drainage condition.

Dwr Cymru - Provides advice that will be forwarded to the applicant.

Ecologist - No objection subject to conditions relating to bat and bird enhancement.

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ADVERTISEMENT

Extent of advertisement: Eight neighbouring properties were consulted by way of letter and a site notice was displayed near the application site.

Response: Eight objections have been received at the time of report.

Summary of observations:

- Increased on-street parking pressure would be detrimental to highway and pedestrian safety;
- Proposal would result in the chemist dispensary at Markham Medical centre closing;
- Loss of jobs at Markham medical centre dispensary;
- Elderly residents will have to walk from the medical centre to proposed chemist.

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? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Conditions will be attached to any permission in the interests of biodiversity enhancement.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The A1 retail element of CIL liable at a rate of £100 per square metre. The residential element is also CIL liable but as it is located in the Lower Viability CIL zone, the residential element would be chargeable at a rate of £0 per square metre.

ANALYSIS

Policies: The application site is located within the defined settlement boundary and therefore the principle is in favour of development providing material planning considerations do not indicate otherwise. In this instance, those considerations are the design of the proposed building and its impact on the visual amenity of the surrounding area; the impact of the proposal on the amenity of existing neighbouring properties; and the impact of the proposal on highway safety.

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In terms of the impact on visual amenity and the existing street scene, the proposed building is considered to be acceptable in terms of its massing, siting, design, fenestration, and proposed materials. The building is very similar to the existing dwelling that bounds the application site to the north-west, and it is therefore considered that the development will integrate well within the existing street scene.

In terms of the potential impact on the development on the existing properties to the north-west, i.e. the three self-contained flats in the property known as Devon House, it is acknowledged that by virtue of its proposed massing and siting, the proposed development will result in a loss of daylight and outlook to the south-east facing windows that serve the flats at ground floor and first floor level. However, based on the approved plans (Planning Permission 07/1495/COU) as the rooms affected are also served by west facing windows, this impact would not warrant a refusal of planning permission.

Comments from consultees: The Transportation Engineering Manager raises objection to the proposed development on the basis that the development generates the requirement for 3 off-street car parking spaces in accordance with the Adopted Car Parking Standards. However, on the basis of the extant planning permission at the site (07/0781/FULL - Demolish video shop and rebuild new commercial unit), it is not considered reasonable to refuse the proposal on this basis. The development will provide 2 tandem off-street parking spaces, compared to the 1 space required in accordance with planning permission 07/0781/FULL.

No objection is raised by other consultees subject to relevant conditions and advice.

Comments from public:

1. Increase on-street parking pressure would be detrimental to highway and pedestrian safety - This issue has been addressed above. Notwithstanding the objection of the Highways Department it is not considered that the proposed development would result in more on-street parking than extant planning permission 07/0781/FULL. For this reason it is not considered reasonable to refuse the application on this ground.
2. Proposal would result in the chemist dispensary at Markham Medical centre closing - Competition is not a material planning consideration.
3. Loss of jobs at Markham medical centre dispensary - The proposed development would create jobs. Again, competition is not a material planning consideration.
4. Elderly residents will have to walk from the medical centre to proposed chemist - This would not warrant a refusal of planning permission. The proposed development is located within the established retail core of Markham with its associated public transport links.

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Other material considerations: Planning consent 07/0781/FULL granted permission to demolish the former video shop onsite and erect a 2/3 storey split level commercial property, albeit with no residential element. As the former video shop was demolished within 5 years of the date of this former permission, it is considered that the permission remains extant and can be completed at any time. The current proposal differs from this previous proposal in that there is no existing building onsite, and a 1-bedroom residential element is proposed. Furthermore 2 off-street tandem parking spaces are proposed. This existing permission is a material planning consideration. It is considered that the current proposal represents a good opportunity to secure 2 off-street parking spaces as opposed to the 1 parking space required under the 2007 planning permission.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) 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:
Site Location Plan, received 17.11.2017;
PP/200, Proposed front and rear elevation, received 17.11.2017;
PP/400, Proposed side elevation (left), received 17.11.2017;
PP/100/B, Proposed floor plans, received 27.02.2018;
PP/300/B, Proposed side elevation (right), received 27.02.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 03) 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.
- 04) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the existing property at land at Abernant Road, Markham, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first utilised.
REASON: To provide additional roosting for bats 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).
- 05) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow or House martin) in the existing property at land at Abernant Road, Markham, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first utilised.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 06) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 07) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in permanent materials 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.

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Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Council's Ecologist and Head of Public Protection that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW4, CW5.

DEFERRED FOR REASONS FOR REFUSAL

