

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0072/FULL 18.02.2015	United Welsh Housing Association C/o Asbri Planning Ltd Mr B Davies Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Erect residential development and associated works Goodrich Hotel Van Road Caerphilly CF83 1LD

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Van Road with Goodrich Avenue.

Site description: The application site includes a vacant public house and associated garden and car parking area. The site is irregular in shape being wider to the front than to the back with the public house at the front of the site fronting onto Van Road. The public house is a large two-storey building that occupies the whole of the frontage of the site and stretching back approximately one third of the way into the site. The building has been vacant for a number of years and as such is starting to fall into a state of disrepair. There is a grassed area immediately to the rear of the dwelling with a car park to the rear of that.

The rear area is bounded by a low wooden fence to the Goodrich Avenue side with mature trees to the eastern boundary. A small stream also runs to the eastern boundary of the site. The building is situated in a mainly residential area with dwellings to the north and east and on the southern side of Van Road to the front of the site. The property on the opposite corner of Van Road and Goodrich Avenue is a cafe situated within an end of terrace dwelling that has been extended.

Development: The application seeks full planning consent for residential development on the site. It is proposed to demolish the public house (which was the subject of a separate demolition notification application) and erect 12 flats in two separate two-storey blocks. This would comprise of 8 two-bedroom flats and 4 one-bedroom flats. Each block would be arranged in an L-shape around a central courtyard area that provides the private amenity and drying areas for all of the flats.

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The structures will be two stories with apex roofs and each flat would have a separate access with a porch to the main entrance door. A car park providing a total of 12 spaces and a bin store area is to be created on the northern part of the site with access off Goodrich Avenue

Dimensions: The northernmost block measures 23m long by 11m deep by 9.5m high. The southernmost block measures 20.2m long by 17.2m deep by 10m high.

Materials: Face brickwork with a tiled roof.

Ancillary development, e.g. parking: None.

### PLANNING HISTORY

07/0217/FULL - Construct covered decked seating area to rear of property - Granted 16/04/07.

07/1322/FULL - Erect semi-permanent awning to the rear of the hotel, with a timber deck and screening and partially enclose rear grassed area with a 1.8m timber panel fence - Granted 06/03/08.

08/0406/NCC - Remove Condition (01) of Planning Consent 07/1322/FULL - Refused 02/06/08.

13/0511/OUT - Demolish Goodrich Hotel and erect residential development and associated works - Granted 11/02/15.

### POLICY

#### Site Allocation

Local Development Plan: Within settlement limits.

#### Policies

Local Development Plan: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations: Highways), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

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Supplementary Planning Guidance LDP6 Building Better Places to Live gives advice on all levels of development.

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Notes 1 (Joint Housing Land Availability Studies), 2 (Planning and Affordable Housing), 5 (Nature Conservation and Planning) and 12 (Design) are also relevant.

#### CONSULTATION

Senior Arboricultural Officer (Trees) - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Transportation Engineering Manager - No objection subject to conditions including one requiring an additional parking space.

Dwr Cymru/Welsh Water - No objection subject to conditions.

CCBC Housing Enabling Officer - In line with local plan policy 40% affordable housing will need to be provided on this site.

Outdoor Leisure Development Officer - No objection.

Wales & West Utilities - No objection.

Countryside And Landscape Services - No objection subject to conditions.

Natural Resources Wales - No objection in principle subject to the imposition of conditions and the developer applying for a European Protected Species Licence from Natural Resources Wales.

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### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice, a press advertisement and 13 neighbour letters.

Response: One letter of objection and a petition containing 20 signatures was received.

### Summary of observations:

1. Timescale for the demolition and build on this site.
2. Noise impacts.
3. Dust pollution.
4. How will access into and out of the street be maintained?
5. Has asbestos been removed from the building?
6. The application was not advertised widely enough.
7. Construction work will make it impossible for night shift workers to sleep during the day thereby making it impossible for them to work at night.
8. What type of residents would be living in the flats?

### 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? Yes.

European protected species have been identified by a survey.

The Local Authority must apply the following three tests to the planning application:

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

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(ii) There is no satisfactory alternative.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:-

(i) The condition of the building is such that its demolition and redevelopment is considered to be the best option in respect to the physical and social interests of the immediate area. The building is deteriorating in condition. Conversion of the building would not result in achieving the number of flats proposed in this scheme, and there is a shortfall in the provision of new housing in the Caerphilly Borough administrative area. In this regard its demolition is considered as probably the best available solution.

(ii) With regard to the second test there are two main options, (a) do nothing, and (b) consider an alternative use. With regard to the former this is not a viable option due to the deteriorating condition of the building. In respect to the latter the site is located within an area primarily in residential use. There are other uses in the immediate area, e.g. a cul-de-sac with small industrial units is opposite the site, (on the south side of Van Road) and this is a non-conforming use, and one which is designated for housing in the LDP. Consequently the redevelopment of this relatively small site for a limited residential scheme is an acceptable land-use.

(iii) A single Common pipistrelle bat was found to be roosting in the building during a full bat survey carried out by a competent ecologist with proven experience in bat surveying at an appropriate time of year. The survey report concludes that the building is a transient roost for a single bat. The proposed development will therefore result in the destruction of a bat roost, however, adequate mitigation has been put forward in the bat survey report and the method statement dated 25th October 2013. Full details of the provision of alternative roost sites will need to be submitted but those suggested in the method statement are considered to be suitable and all that will be necessary by condition are the detailed drawings of the bat roost and access points. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation measures will maintain and enhance the roosting opportunities for Common pipistrelle bats (crevice dwelling bats) at this location.

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Is this development Community Infrastructure Levy liable? Yes. The Levy would be £28,800 but applicants are a registered social landlord and may be able to claim an exemption.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is situated in a mainly residential area and as such the principle of housing on this site is considered to be acceptable. Outline planning permission was granted in February 2015 for residential development (Ref. 13/0511/OUT). The scale and massing of the proposed buildings is in keeping with that of the existing building on site and the suggested materials are considered to be acceptable. Adequate privacy is maintained to the surrounding properties having regard for orientation, distances and in respect of the dwellings on the opposite side of Van Road it is felt that whilst a distance of 21m is not achieved the presence of the road in between is sufficient to maintain an adequate level of privacy.

In that regard the main points to consider in the determination of this application are the objections raised will be considered in turn below:-

1. It is impossible to be specific in terms of a timescale for the works on site. However, it is not felt that this is a material consideration in the determination of this application.
2. The application has been assessed by the Head of Public Protection and no objection is raised on noise grounds subject to the imposition of a condition requiring the submission of a noise suppression scheme. Whilst there will inevitably be noise associated with construction and demolition, it is not felt that this would be sufficient to warrant refusal of the application subject to compliance with this condition. Moreover, a condition would be attached to any consent granted controlling the hours of work on site.
3. Dust arising from the demolition and construction can be adequately controlled by the imposition of conditions.
4. Maintenance of access into and out of Goodrich Avenue during works is a matter for the Highway Authority under separate legislation.
5. Removal of asbestos from the building is not a planning matter and is controlled under other legislation.

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6. It is accepted that letters were not sent directly to all of the residents of Goodrich Avenue. However, the application was advertised in accordance with the Council's protocol and a site notice was posted in the area.
7. As stated above the hours of operation on site would be controlled by condition. Whilst the circumstances of the objector are noted it would not be reasonable for the Local Planning Authority to prevent works during the daytime hours that are normally considered to be acceptable.
8. Provided that the flats are used for residential purposes falling within Use Class C3 of the Use Classes Order 1988 it would not be for the Local Planning Authority to control the type of persons able to reside there. Indeed Local Plan policy requires the provision of affordable housing in this area and this development makes a positive contribution to meeting those needs.

Comments from consultees: No objections raised. With regard to the request from the Transportation Engineering Services Manager for the provision of an additional parking space it is considered that this can be accommodated within the site. As such it is considered that it would be reasonable to impose a condition requiring the submission of an amended plan.

Comments from public: None.

Other material considerations: This is an area where the affordable housing target is 40% of the development and that could normally be secured by a Section 106 Agreement. However, in this case, the applicants are a registered Social Landlord and so a condition is a satisfactory way of controlling the matter.

In conclusion it is considered that the application is acceptable subject to the imposition of suitable conditions.

**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.

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- 02) Prior to commencement of development a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of any market housing;
  - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- REASON: In order to secure the provision of sufficient affordable housing within the scheme.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development comes into beneficial use.
- REASON: In the interests of the visual amenities of the area.
- 04) Prior to the commencement of works on site a scheme of land drainage 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 they relate is occupied.
- REASON: To ensure the development is served by an appropriate means of drainage.
- 05) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
- REASON: In the interests of the amenity of the area.

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- 06) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
REASON: In the interests of the amenity of the area.
- 07) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 08) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.
- 09) Prior to any development and the removal of any vegetation on site the 'Reptile and Amphibian Method Statement' contained in Section 11 of the Ecological and Bat Survey Report dated August 2013 and undertaken by Richard Watkins shall be strictly complied with.  
REASON: To ensure that reptiles are protected.
- 10) No development or site vegetation clearance shall take place until a detailed 'Bat Method Statement' has been prepared by a competent Ecologist and submitted for the approval of the Local Planning Authority. The approved measure shall be strictly complied with.  
REASON: To ensure that reptiles are protected.

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- 11) Bat activity surveys to monitor the new bat roosts within the development hereby approved shall be carried out by a competent Ecologist between May to August for a minimum of 2 years post-completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the Ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.  
REASON: To provide information on the success of the bat roost mitigation, in the interests of biodiversity.
- 12) 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 into the new development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.  
REASON: Where works have already commenced on site with the potential to support protected species or where a planning application has been submitted retrospectively, the precautionary principle is applied to ensure proper measures are taken to safeguard the habitat or protected species, in the interests of biodiversity.
- 13) Prior to the commencement of any works associated with the development a buffer strip between the development and the small water course adjacent to the site boundary edge during the construction works shall be created, details of which shall be submitted to and agreed in writing with the Local Planning Authority. This buffer strip shall be retained until the development works are completed.  
REASON: To ensure adequate protection to habitats, in the interests of biodiversity.
- 14) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.

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- 15) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 16) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),

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- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
  - i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
  - j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
  - k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
  - l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
  - m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
  - n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
  - o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
  - p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
  - q) the timing of the various phases of the works or development in the context of the tree protection measures.
- REASON: In the interests of visual amenity.
- 17) The development hereby approved relates to the details received on 17th April 2015 by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.
- 18) Prior to any works commencing on site revised details of the car parking layout shall be submitted to and approved in writing by the Local Planning Authority. The revised details shall make provision for a total of 14 parking spaces which shall be provided prior to the occupation of any of the dwellings and maintained thereafter free of obstruction for the parking of vehicles only.  
REASON: In the interests of highway safety.

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- 19) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 33 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 20) The development shall not be occupied until 12 cycle parking spaces have been provided in the location identified for cycle parking on the approved plans.  
REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability.

Advisory Note(s)

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: SP15, CW2, CW3 and CW4.

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