

Application Number: 24/0217/RET

Date Received: 25.03.2024

Applicant: James Norvill Property

Description and Location of Development: Retain the change of use to mixed use of B1/B2/B8/D2, Car sales (Sui Generis) including retention of office cabin and single storey car preparation building - Dan Y Graig Works Dan Y Graig Road Risca

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The site is located to the West of the A467 - directly adjacent to the settlement of Risca.

Site description: The site has historically been of B2 use, with the old Brickwork's characterising the majority of the larger built form on site, with the garages and workshops being single storey. The site sits at the bottom of a steep incline, with the means of access being along Dan Y Graig Road.

Development: The application seeks permission to retain what has already been erected and is in operation on site, which is as follows; a mix of use classes, limited to; B1, B2, D2, B8 and Sui Generis as well as the retention of the erection of two buildings within 'yard 3', which can be summarised as a 'portable cabin' and 'covered work area'.

Dimensions: The structures measure 6.7 metres by 2.45 metres with a height of 3 metres and 3.98 metres by 6 metres, with a height of 3.7 metres.

Materials: The structures will be a; 'metal portable cabin' supported by 'brick plinths' and 'wood cladding'.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 18/0286/OUT - Obtain outline planning permission for up to 22 dwellings and seek approval of access - Granted 29.08.2018.

POLICY

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

Site Allocation: The site is located within settlement limits.

Policies: CW2 (Amenity), CW3 (Highways), CW4 (natural heritage protection), CW5 (protection of the water environment), CW6 (trees, woodland and hedgerow protection), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales Edition 12 (February 2024), 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 required.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area where no coal mining report is required.

CONSULTATION

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

Environmental Health Manager - No objection subject to conditions.

Senior Engineer (Drainage) - None received.

Dwr Cymru - Advisory recommended.

Risca Town Council - Advisory recommended.

Rights Of Way Officer - Advisory recommended.

Ecologist - No objection, condition recommended.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letter in addition to a site notice being erected.

Response: Objection received.

Summary of observations: Objection relates to unsuitable access to the site and associated highway issues.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not liable.

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 (brownfield). 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 of historic industrial use (lawful B1/B2) it can be understood that the principle of such uses have been established on site and the fallback would be for this to continue, however it is noted that there are other uses on site that are currently operating and require planning permission, the principle however has been established and is supported by the planning history of the site.

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, whilst some of the uses that are proposed to be retained on site have not existed within this location (D2), this use is utilising an existing structure, and so visually would not alter the makeup of the site, whilst benefitting from the sites location within Risca, which 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. The retention of the uses on site and associated works are seen to comply with policy SP6 of the Caerphilly County Borough Local Development Plan, up to 2021.

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 retention of these uses on site would not be judged to have any unacceptable impact on the adjacent sites or dwellings. Whilst it is noted that there is a nearby residential area on the Western side of the A467 adjacent to the site, accessed via Tir-Y-Cwm Lane, the effect on these properties would not be exacerbated by the retention of these various uses, with the historic lawful use of the site being industrial, which is the most 'intense' proposed uses within the proposal description. Whilst the current use on the site is unregulated and not benefitting from planning controls/conditions (due to its established use), this application presents an opportunity to regularise the uses and add some constraints to the various uses operating hours and delivery times, in the interest of the

nearby residential amenity, the controls, as recommended by the Authority's Environmental Health Team, are as follows;

- B1 Use:

customer use limited to; 07:00-20:00 (Monday-Saturday), 09:00-17:00 (Sunday).

- B2 Use:

machinery operation and processes/deliveries (taken/dispatched) and customer use limited to; 08:00-18:00 (Monday-Friday), 10:00-15:00 (Saturday), no operation Sundays/Bank Holidays.

- D2 Use:

Sound mitigation scheme must be received and approved, in addition to customer use limited to; 06:00-22:00 (Monday-Saturday), 09:00-17:00 (Sunday).

- B8 Use:

machinery operation and processes/deliveries (taken/dispatched) and customer use limited to; 07:00-18:00 (Monday-Friday), 08:00-13:00 (Saturday), no use Sundays/Bank Holidays.

- Sui Generis:

machinery operation and processes/deliveries (taken/dispatched) and customer use limited to; 08:00-18:00 (Monday-Friday), 08:00-13:00 (Saturday), no use Sundays/Bank Holidays.

Other conditions are recommended including a scheme for external lighting, water/sanitary provision and external access routes and the associated safety. All of these conditions combine to provide adjacent sites and places of residence with adequate protections for their amenity. The proposed uses, by virtue of these conditions are acceptable and compliant with policy CW2 of the Caerphilly County Borough Local Development Plan, up to 2021.

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. No objection was raised by the authority's highways department based on the following conditions being added to any consent;

- Within 3 calendar months from the date of this consent the areas indicated for the parking and turning areas shall be laid out in accordance with the submitted plans to the satisfaction of the LPA and shall be maintained thereafter for the parking and turning of vehicles and for no other purposes.

- All parking and turning areas shall be completed in materials as agreed with the LPA, to ensure loose stones or mud etc. is not carried on to the public highway.

- Within 3 calendar months from the date of this consent, an amended scheme shall be submitted to and agreed in writing with the LPA showing the gates for the retained self-storage use (located in Yards 1 & 2) set back a minimum of 6m from the back edge of the carriageway, to allow vehicles to stand clear of the highway when entering the site.

The agreed scheme shall be implemented within a further 2 calendar months from its details being agreed.

- Any gates shall be located and fitted so as not to open out over the highway.
- No vehicle transporters shall visit the site to deliver/remove vehicles from the site.

By virtue of these conditions being added, the retention of the uses will not have any unacceptable impact on the highway network, whilst it is noted that there have been objections based on the overspill of parking onto the highway, this is not a matter that would justify the refusal of this application, due to the applicant providing adequate on-site parking for the identified use. Based on these conditions being added to any consent, the retention of the uses and associated works are acceptable and in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.

A GI Statement is required on all developments following PPW12, and the Environment (Wales) Act 2016 Section 6 duty to show that development has a net benefit to biodiversity and green infrastructure. The applicant has attached a GI statement that demonstrates the 'step-wise' approach identified within PPW12, presenting ecological enhancements throughout the site. The authority's ecologist was consulted on this document and is satisfied with the approach, which will be enforced by the statement being included within the 'approved plans' condition. The development is therefore in line with PPW12.

On the basis of the above observations the proposals comply with policies SP3, SP5, SP6, CW2, CW3 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: No objections received.

Comments from public: Objections received- addressed in report.

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 12 has also been published on 7th February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12

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 12.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:
SITE PLAN (ref.RAC10295-2) (received 22 Mar 2024);
ELEVATIONS (RAC10295-3) (received 22 Mar 2024);
AMENDED PARKING SPACES/PLAN (received 04 Jun 2024);
INTERNAL OFFICE FLOOR SPACE/PLAN (received 04 Jun 2024); and
GREEN INFRASTRUCTURE STATEMENT (received 22 Mar 2024).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Any B1 use on site shall not be open to customers outside the following times:
(a) 07:00 hours to 20:00 Monday to Saturday, and
(b) 09:00 hours to 17:00 hours Sunday.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 03) Any B2 Use on site shall have; no machinery operated, no process carried out, no deliveries taken at or dispatched from and no customer attendance to the site outside the following times:
(a) 08.00 hours to 18:00 Monday to Friday,
(b) 10.00 hours to 15:00 hours Saturday.
And no operation Sundays or Bank Holidays.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) Details of a scheme of sound mitigation with regard to the D2 use on site shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed class use does not impact nearby residents. The development shall thereafter be carried out in accordance with the approved details.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 05) The D2 use on site shall not be open to customers outside the following times:
(a) 06.00 hours to 22:00 Monday to Saturday, and
(b) 09.00 hours to 17:00 hours Sunday.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 06) Any B8 use on site shall have; no machinery operated, no process carried out, no deliveries taken at or dispatched from and no customer attendance to the site outside the following times:
(a) 07:00 hours to 18:00 Monday to Friday,
(b) 08:00 hours to 13:00 hours Saturday.
And no operation Sundays or Bank Holidays.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 07) Any Sui Generis use on site shall have; no machinery operated, no process carried out, no deliveries taken at or dispatched from and no customer attendance to the site outside the following times:

(a) 08.00 hours to 18:00 Monday to Friday,
(b) 08.00 hours to 13:00 hours Saturday.

And no operation Sundays or Bank Holidays.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 08) A scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 09) All external access routes shall be restored and maintained within the site to ensure that there is a safe means of ingress and egress to those utilising the facility.

REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

- 10) All units hereby approved shall be supplied with a means of potable water and adequate sanitary provision.

REASON: In the interests of public safety in accordance with Policy CW2 of the 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 areas shall be laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority, and shall be maintained thereafter for the parking and turning of vehicles and for no other purposes.

REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance

with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.

- 12) All parking and turning areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.
- 13) Within 3 calendar months from the date of this consent, an amended scheme shall be submitted to and agreed in writing with the Local Planning Authority showing the gates for the retained self-storage use (located in Yards 1 & 2) set back a minimum of 6m from the back edge of the carriageway, to allow vehicles to stand clear of the highway when entering the site. The agreed scheme shall be implemented within a further 2 calendar months from its details being agreed.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.
- 14) Any gates shall be located and fitted so as not to open out over the highway.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.
- 15) No vehicle transporters shall visit the site to deliver/remove vehicles from the site.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.

Advisory Note(s)

The proposed development will not directly affect the Public Rights of Way, but the applicant should be made aware of the existence of RISC/FP39/1, RISC/FP107/1, RISC/RBW108/1, and RISC/RBW109/1 and the need to maintain public access and safety at all times. If any Public Right of Way is to be utilised by construction traffic, appropriate signage must be erected advising the public (Chapter 8 of the Traffic Safety Measures and Signs for Road Works and Temporary Situations), and banksmen utilised during plant movement to ensure the safety of the public. The applicant is reminded that it is an offence to obstruct a Public Right of Way. There are several Public Rights of Way in the area of this application. The planning permission does not authorise the

stopping up or diversion of the Public Rights of Way. The Public Rights of Way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out, but this process is independent of the planning process and as such the applicant is advised to contact the Rights of Way Officer. If the Public Rights of Way are obstructed before the Order is made, the order cannot proceed until the obstruction is removed. Should the applicant require further information regarding their responsibilities to the Public Rights of Way, they are requested to contact the Rights of Way Officer."