



Appeal Decision

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 09.10.2023

Appeal reference: CAS-02670-C0C2G7

Site address: Former St Catherine's Church, Gladstone Street, Crosskeys NP11 7PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by YS Projects against the decision of Caerphilly County Borough Council.
 - The application, Ref 21/1213/FULL dated 14 December 2021, was refused by notice dated 12 January 2023.
 - The development proposed is the demolition of former St Catherine's Church and redevelopment to provide residential flats and associated works.
 - A site visit was made by the Inspector on 24 July 2023.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of former St Catherine's Church and redevelopment to provide residential flats and associated works at Former St Catherine's Church, Gladstone Street, Crosskeys NP11 7PA in accordance with the terms of the application, Ref 21/1213/FULL dated 14 December 2021, and subject to the conditions in the attached schedule.

Main Issue

2. This is the effect of the proposal on highway safety, having regard to the demand for parking.

Reasons

3. The appeal site lies in the settlement of Crosskeys, within a predominantly residential area, but close to a commercial centre with associated shops and facilities. Crosskeys rail station is a short distance away and bus stops are near the site. This is therefore a sustainable location for new housing and in principle, the development would conform to the settlement strategy of the Caerphilly Local Development Plan (LDP). The proposal would provide 16 flats of which at least 10% (2 flats) would be secured for affordable housing by means of a Section 106 Agreement submitted with the appeal. This provision would be in accordance with the affordable housing policies of the LDP.
4. The proposal would not make any provision for off-street parking and would therefore rely on the surrounding streets and an adjacent public car park. From my own observations

and from the extent of local representation, it is clear there is a degree of parking pressure in the streets in and around the appeal site. I do not doubt that some of the daytime pressures accrue from commuters using the nearby rail station, students attending the nearby college, and short-term visits to the nearby shops. Nonetheless, at my mid-morning weekday visit, there was some on-street parking capacity, and traffic was moving freely through the area. Moreover, much of the parking on adjoining streets is unrestricted, suggesting that capacity is not so limited as to require parking permits or other local restrictions. A Transport Technical Note (TTN) provides findings of a parking survey undertaken for two hours over two evenings which indicates that 34 spaces were available nearby before an 85% of overall capacity was reached. I am referred to a different survey undertaken by the Highway Authority, which suggests 96% of spaces were occupied during a 45-minute evening period. However, aside from a small and incomplete excerpt, I have not been provided with a full copy of this survey or the methodology used. Moreover, whilst I am referred to regular complaints being made to the Highway Authority, no detailed record of the number or specific nature of these complaints has been provided. I therefore give these submissions limited weight.

5. The existing lawful use of the building is a material consideration. As a Church, or other non-residential institution (Use Class D1), the appeal site would generate its own demand for parking. The appellant uses the Council's car parking standards (LDP5) as a basis for comparison which demonstrates that the proposal would generate less demand for parking than the existing lawful use. No cogent evidence to the contrary is provided by the Highway Authority. I do not dispute that the nature and timing of parking trends between residential and non-residential institutions would vary, especially insofar as a D1 use would be unlikely to create overnight parking demand. Nonetheless, it also follows that the nearby shops and facilities would be less busy or closed in late evenings and overnight, freeing up some of the on-street parking for residents. D1 uses are also more likely to generate several visitors at the same time, whereas residential trips are more staggered. I do not consider demolition or conversion to be materially different in terms of assessing parking demand in this case, and I attach significant weight to the fallback position.
6. The sustainability credentials of the proposal are questioned by the Council, who consider that less points should be awarded than the TTN indicates. However, it remains the case that based on LDP5 standards, it would generate less parking demand than the existing lawful use. In line with PPW which recognises that parking standards should take account of local factors, LDP5 acknowledges that flexibility in the standards allows local circumstances to be taken into account, including accessibility to, and the service provided by the public transport system, accessibility by walking and cycling, and existing and possible future congestion in adjacent streets. The proposal would provide cycle parking for the development and given the generally level and paved terrain it has good accessibility by walking to local facilities. I have also found that it would not exacerbate existing parking demand or congestion in the area. The proximity of the proposal to shops, facilities, public transport, including a rail station that provides an hourly service to Cardiff, would invariably be attractive to non-car owning occupants, and would promote car free travel for the occupants of the development. The proposal would therefore respond to the flexibility provided by LDP5.
7. The Council challenge the appellant's information on car ownership levels based on the age of 2011 Census data, and that there is no certainty that the proposal would be 100% affordable as intended by the appellant. However, the proposal would comply with the Council's affordable housing policies, and it is entirely reasonable in my view to expect that the flatted nature of the development, 11 flats of which are small one-bedroom units, would be attractive to low-income occupants unlikely to own a car. I accept that this is

not a city centre location or a major town, nonetheless Crosskeys has a choice of facilities and services, and good access to public transport. This would support less reliance on the private car, consistent with the aims of Future Wales (FW) and Planning Policy Wales Edition 11 (PPW).

8. I have had regard to concerns relating to precedent, but I have found no harm in this instance, and it would be open to the Council to demonstrate in the individual circumstances of any other case, that harm would be caused.
9. Taking all of the above into consideration, I conclude that the proposal would not be harmful to highway safety interests. I therefore find no conflict with Policy CW3 of the Caerphilly Local Development Plan (LDP), or the objectives of LDP5.

Other Matters

10. I have had regard to the local representations received in objection to the scheme, including matters relating to the loss of a community facility, character and appearance and residential amenity. However, I do not find the proposal unacceptable for any of these reasons.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

P J Davies

INSPECTOR

Schedule of Conditions

1. The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos A100; A104 (Rev G); A105 (Rev H); A106 (Rev F); A107 (Rev F); A108 (Rev F); A109 (Rev G); A110 (Rev G); A111 (Rev G); Site Investigation Report Document ref 12918/LS/21/SI.
Reason: To ensure the development is carried out in accordance with the approved plans and documents.
3. Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.
Reason: In the interest of public health (LDP Policy CW2).

4. No part of the development shall be occupied until a report has been submitted to and approved in writing by the local planning authority which verifies that the required works have been undertaken in accordance with the Site Investigation Report Document ref 12918/LS/21/SI.

Reason: In the interest of public health (LDP Policy CW2).

5. Prior to the construction of the external surfaces of the development hereby approved, details of the materials to be used shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the character and appearance of the area (LDP Policy CW2).

6. The development shall not be occupied until covered and secured cycle parking facilities have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be retained in accordance with the approved details.

Reason: In the interest of accessibility to all modes of transportation and sustainable development (LDP Policy CW3).

7. Prior to any works progressing beyond ground preparation and laying of the slab, a scheme indicating the positions, design, materials and type of boundary treatment shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development is occupied.

Reason: In the interest of the character and appearance of the area (LDP Policy CW2).

8. Notwithstanding the approved plans, and prior to any works progressing beyond ground preparation and laying of the slab, a scheme of hard and soft landscaping together with a programme for maintenance shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area (LDP Policy CW2).

9. Prior to any works progressing beyond ground preparation and laying of the slab, details of the type and location of 12 No. integrated swift boxes shall be submitted to and approved in writing by the local planning authority. The integrated swift boxes shall be installed in accordance with the approved details before the development is occupied and shall thereafter be retained.

Reason: In the interests of maintaining and enhancing biodiversity (Future Wales Policy 9 and LDP Policy SP10).

10. No works to which this consent relates shall commence until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.

Reason: To record the architecture and historic character of the building (LDP Policy SP6).

11. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the building hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

12. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall include details of hours of working and method of demolition, and shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control noise and light nuisance and the emission of dust and dirt during demolition and construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential and general amenity (LDP Policy CW2).