

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0775/COU 24.09.2015	Mr F Benvenuti 102 St Cenydd Road Caerphilly CF83 2TE	Change the use of the ground floor and first floor from A2 to A3 Food and drink (fish and chip shop) at the ground floor and add two C3 Dwelling houses (flats) at the first floor Bank Chambers 2 Pandy Road Bedwas Caerphilly CF83 8EH

**APPLICATION TYPE:** Change of Use

#### SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Pandy Road and Church Street.

Site description: The application property is a corner property within the main retail area of Bedwas and is a former bank/office premises on the ground floor with offices to the first floor and a flat to the second floor. The property is in a mixed use area with largely retail to the ground floor of the surrounding properties with residential above, whilst there is a Primary School on the opposite side of Church Street.

Development: The application seeks full planning consent for the change of use of the property to a mixed use of A3 hot food takeaway at ground floor with three flats above. There would be a servery area at the front of the ground floor with kitchens and food preparation areas to the rear, with one one-bedroom flat and a bedsit on the first floor, and a two-bedroom flat to the second floor. The takeaway proposes to open from 11.30 to 22.30 Monday to Saturday and not at all on Sundays.

Ancillary development, e.g. parking: None.

#### PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

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## POLICY

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW14 (Use Class Restrictions - Retail) and CW15 (General Locational Constraints).

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 (2012) 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."

Paragraph 7.6.1 states that Councils should adopt a positive approach to applications for economic development. Paragraph 10.2.4 encourages a diversity of uses in village centres.

National Planning Guidance contained in Technical Advice Notes 4 - Retailing and Town Centres, 12 - Design and 23 - Economic Development.

## CONSULTATION

Bedwas, Trethomas & Machen Community Council - Raises objection to the proposal.

Transportation Engineering Manager - No objection subject to condition.

Head Of Public Protection - No objection subject to conditions.

Dwr Cymru - Provides advice to be conveyed to the developer.

## ADVERTISEMENT

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

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Response: At the time of writing the report no objections had been received. Any comments received prior to the matter being considered at committee will be conveyed orally to members.

Summary of observations: None.

### 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? A3 uses are frequently considered to increase anti social behaviour. However, as this property is located within a defined town centre it is not felt that this would be a significant issue in this instance.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes, at a rate of £25 per square metre, but as the building has been in use for at least 6 months in the last three years it is not payable in this case.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are whether the proposed uses are acceptable in this area and whether there is sufficient parking to serve the development.

With regard to the first point there are a number of issues to be considered. Firstly the application property is situated in a mixed use area that is mainly commercial in nature. Church Street is the main retail hub for the village of Bedwas and there are a number of retail properties both adjacent to the application site and further afield including a number of hot food takeaways and in that regard it is considered that the proposal is acceptable in principle. It is noted that there is a primary school directly opposite the site, but as stated above there are also a number of other hot food takeaways in the near vicinity.

The residential uses above the hot food takeaway are also considered to be in keeping with the mixed use character of the area and subject to the imposition of a noise attenuation scheme between the different levels of the building, it is not felt that the hot food takeaway use would have any detrimental impact on the amenity of the occupiers of the flats.

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With regard to parking it should be noted that there is a one hour limited waiting time area directly to the front of the premises that provides for approximately five parking spaces. There are also similar parking zones further along Church Street and these are intended to provide short term waiting for users of the retail premises in the area. As such it is felt that the retail use is well served by existing on street parking in the area and that there would be no undue issue with regard to on-street parking as a result of this development.

With regard to the parking for the flats it is acknowledged that none is proposed as part of the development. However it should be noted that the Council's adopted design guidance advises that a comparison should be made between the existing parking requirements at the premises and that for the proposed use. In that regard members are advised that there is currently an office use in the first floor of the building with a flat to the second floor. The proposed conversion of this into three flats would actually lead to a reduction in the number of off-street parking spaces required by the development. There is also scope to provide off-street parking to the rear of the building and as such it is not felt that refusal of the application would be justified on highway safety grounds.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of conditions regarding car parking, hours of opening, odour control and noise attenuation.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: The application states that the premises will be open to the public from 11.30 to 22.30 Monday to Saturday and not at all on Sundays. As the application property is situated in a mixed use area which is mainly commercial in character the Local Planning Authority would normally restrict these hours to 07.00 hours to 23.00 hours Monday to Saturday, and 07.00 hours to 22.00 hours Sunday. It is considered that this strikes a balance between protecting the amenity of neighbouring properties whilst allowing the business to operate competitively and provide a service to the public. In that regard it is considered that it would be reasonable in this instance to impose the standard opening hours condition.

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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 use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 07.00 hours to 22.00 hours Sunday.  
REASON: In the interests of residential amenity.
- 03) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority showing a scheme for the parking of vehicles within the curtilage of the site. Such provision shall be compelled in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety
- 04) Prior to the commencement of the development hereby approved details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to mitigate the impact of the noise from the proposed A3 use on the residential use of the property. Development shall be carried out in accordance with the approved details before first use of the premises hereby approved.  
REASON: In the interests of residential amenity.
- 05) If there is to be any external plant, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.  
REASON: In the interests of residential amenity.

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- 06) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area.

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: CW2 and CW3.

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