

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0059/COU 27.01.2016	Mr R Sorrell 41 Aeron Place Gilfach Bargoed CF81 8JA	Change of use of the ground floor from A1 to A3 (shop to pub/restaurant) Unit A Bank Chambers 24-25 High Street Bargoed CF81 8RA

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Unit A, 25 High Street, Bargoed, CF81 8RA. The site is within the Principal Town Centre of Bargoed and is surrounded by retail development. There is a large public car park to the rear of High Street together with a Bus Station.

Site description: The property is a two-storey retail unit that forms part of a larger subdivided building which was previously a bank. The building has an ornate shop front with two front entrances, one serving the application site and the other a neighbouring hairdressing salon. The change of use planning application relates to the main part of the front ground floor of the whole building. The remainder of the ground floor comprises hairdressers which fronts onto High Street, and a furniture sales room, which is accessed off a side lane running along the southern boundary of the premises. There is also a basement which is occupied by a Railway Society, which is accessed via a separate door off the side lane. The first floor comprises nine unoccupied residential flats. The building has a fire escape.

Development: Full planning permission is sought in respect of the change of use from A1 to A3 (Pub and Restaurant). The external appearance of the building will not change. Access will be provided for staff and guests via the main High Street entrance double doors. There is a loading bay on the highway immediately to the front of the premises, where deliveries may be received.

Hours of opening in respect of the pub and restaurant are proposed to be 9.00 a.m. to 1.00 a.m. daily. Live music is proposed to be played between 6.00 p.m. and 12:30 a.m. Monday to Sundays. Deliveries will not be made between 9.00 a.m. and 5.00 p.m.

The business will employ four full-time and three part-time staff.

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Waste will be locked and secured behind the premises and off public pathways/walkways.

Kitchen extraction and ventilation equipment is proposed to be erected to the rear of the building dispersing from three floors above ground but no precise details have been submitted.

Dimensions: The proposed floor area amounts to 481 square metres.

Ancillary development, e.g. parking: There is no scope for parking provision on site.

PLANNING HISTORY 2005 TO PRESENT

P/05/1563 - Erect internally illuminated fascia sign - Granted - 20.12.05.

P/05/1709 - Change the use from A1 Retail to A2 Recruitment - Granted 09.03.06.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Within the settlement boundary and within the Principal Town Centre of Bargoed as identified by Policy CM1.1 of the LDP.

Policies: Strategic Policies

SP1 - Heads of the Valleys Regeneration Area, SP6 - Place making, SP21- Parking standards,

Countywide Policies: CW2 - Amenity, CW3 - Design considerations- (highways), CW14 - Use class restrictions - Retail, development incorporating a change of use from class A1 retail premises to another use within identified Principal Town Centres will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year and where the change of use of A1 to another A use classes would not exceed 10% of the total number of commercial units within the Primary Retail Area, CW15 - General locational constraints.

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NATIONAL POLICY

Planning Policy Wales, 8th Edition January 2016 and TAN 12 - Design, TAN 20.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Not applicable.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this current planning application.

CONSULTATION

Countryside And Landscape Services - Confirm there are no ecological issues.

Transportation Engineering Manager - No objection.

Head Of Public Protection - Object to the change of use because it is felt that the change of use from A1 to A3 (restaurant/pub) could have an adverse noise impact to the existing residential first floor use of the premises. It is understood that the flats are not currently occupied but from a recent consultation with the applicant it has been established that the landlord's intention is to refurbish the existing residential units for rental purposes in future.

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

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and twenty-two neighbouring properties have been consulted.

Response: None.

Summary of observations: Not applicable.

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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?

This is a town centre location where A3 uses are expected to be located. Such uses will sometimes be associated with anti-social behaviour but in this case it would be a matter for the police to resolve.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes in accordance with the Community Infrastructure Levy the development is liable to pay an amount of £25 per square metre, which equates to a total CIL charge based on 482 square metres of £12,050.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main point to consider in the determination of this application is whether the proposed use is acceptable in this location. In that regard it should be noted that the application site is within the Principal Town Centre for Bargoed as defined in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. The Council's aim is to revitalise and regenerate the town centre and the presence of vacant units within it detracts from this aim and as such any proposal to bring a vacant unit back into beneficial use should be looked upon favourably.

The main issues to be considered in the determination of this planning application are in relation to the compatibility of the proposed use with surrounding land uses, amenity and in terms of the impact upon highway safety. The planning permission sought is in respect of an A3 (pub and restaurant use) and whilst reference is made to live music, it is noted that the primary use is as a restaurant.

Policy CW2 of the LDP considers amenity. The Local Planning Authority is mindful that there are nine unoccupied residential flats at first floor level in the building and whilst they are in a poor state of disrepair and have not been lived in for years, there is still a presumption that in planning terms the flats may be occupied in the future.

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The Head of Public Protection has raised objection to the development on the grounds that the proposed A3 (restaurant/pub) use could have an adverse noise impact upon occupiers of the residential first floor flats. However, conditions may be imposed designed to ensure that noise generated internally within a public house does not significantly harm the amenity of neighbours. Where noise is likely to affect residential accommodation sharing the same walls or floors, conditions may secure that acoustic measures are taken in order to mitigate those potential situations and in this respect it is considered appropriate to attach a condition to any consent requiring a Noise Assessment and Noise Mitigation scheme to include soundproofing of the premises, be implemented prior to the occupation of the A3 use subject of this application. Restaurants can bring benefits to urban areas in a sustainable way. If the building is not occupied it would leave a significant area of 'dead frontage' during the day which would reduce the town's attractiveness to shoppers.

There are extensive regulatory control of restaurants, including The Control of Pollution Act in terms of noise, smell and fumes. However, extraction systems to get rid of cooking aromas and smoke at a high level also require planning approval and in this respect it is considered appropriate to attach a condition to any consent requesting details of extraction equipment to be erected at the premises to be agreed with the Local Planning Authority.

It is considered the economic benefits of allowing the A3 Use in this town centre location will help support and regenerate the town. It should also be noted that there are a number of other examples of public houses and clubs immediately adjacent to residential properties in Bargoed and these set a precedent for such uses in this town centre location. In conclusion it is considered that the proposal is acceptable in planning terms.

Policy CW14 (Use class restrictions - retail) states development incorporating a change of use from Class A1 retail premises to another use within identified Principal Town Centres, will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year and where the change of use of A1 to another A use class would not exceed 10% of the total number of commercial units within the Primary Retail Area. It is noted the Bargoed Vacancy rate was 22.45% in 2014 (amounting to 31 premises out of 141) with the vacancy rate in 2013 being 18.9% (amounting to 25 premises out of 132) . The proposal therefore complies with this policy.

Policy CW3 of the LDP considers highway implications and in this respect the Transportation Engineering Manager has raised no objection to the development.

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Comments from Consultees: In town centres the hours of operation are normally restricted to 07.00 - Midnight Monday to Saturday and 07.00 hours - 23.00 hours on Sundays. If it is accepted that the use is acceptable as this is a town centre location it would be unreasonable to impose different conditions in this instance and as such it is proposed that the standard conditions should be used. No other objections were received.

The Head of Public Protection has objected to this scheme, but Local Planning Authority has to balance the adverse impact of the proposal, which can be mitigated against the need to encourage the occupation of these town centre premises in the interests of the regeneration of Bargoed.

Comments from public: None.

Other material considerations: None.

In conclusion, it is considered the proposed development does not conflict with local plan policies and is therefore acceptable in planning terms.

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) Prior to commencement of the development hereby approved details of a scheme of sound insulation between the use hereby approved and the residential use at first floor shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be carried out in accordance with the approved details before first use of the premises for the purposes hereby approved by this consent.
REASON: In the interests of residential amenity.
- 03) The use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to midnight Monday to Saturday, and (b) 07.00 hours to 23.00 hours Sunday.
REASON: In the interests of residential amenity.

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- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: received and date stamped 21st January 2016 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 05) 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.
- 06) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.
REASON: In the interest of public health.

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.

The applicant is advised of the comments of Dwr Cymru/Welsh Water.

