

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0395/NCC 19.05.2016	Mr B Huang 3 Commercial Buildings Oakdale Blackwood NP12 0LB	Vary condition 6 of planning consent 2/2493 (Change of use from retail butcher's shop to takeaway hot food shop) to allow opening on Sunday from 17.30 hours to 23.00 hours 3 Commercial Buildings Oakdale Blackwood NP12 0LB

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application building is located at Commercial Buildings, Oakdale.

Site description: Two storey mid-terrace property.

Development: It is proposed to vary Condition 6 of planning permission 2/02493 to allow Sunday opening between 17.30 - 23.00.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity) and CW3 (Design Considerations - Highways).

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NATIONAL POLICY Planning Policy Wales and Technical Advice Note 12: Design.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - Raises no objection to the hours proposed.

Countryside And Landscape Services - Requests breeding bird provision. However, given the nature of the application this is not considered necessary.

ADVERTISEMENT

Extent of advertisement: Eleven neighbours were consulted by way of letter and a site notice was displayed near the application site.

Response: Four objections were received.

Summary of observations:

- Sunday not an appropriate day to operate business;
- Increased car movements during evenings and associated noise from car doors;
- People urinating in rear lane;
- Anti-social behaviour;
- Customers consuming food outside neighbouring properties;
- Smell associated with business.

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Application No. 16/0395/NCC Continued.

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?

Although it is not considered that crime and disorder are issues for this application subject to appropriate hours of operations. If the operation of the business does increase anti-social behaviour in the vicinity of the application site during the approved hours, this would be a matter to be dealt with by the police.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: Planning permission to use the property as a hot food takeaway was granted in November 1978. A Condition was attached to that planning permission (Ref: 2/02493) stating that the premises should not be open on a Sunday. In August 1979 planning permission was refused (Ref: 2/03017) for Sunday opening. A further application (Ref: 2/03689) for Sunday opening was refused, and subsequently dismissed at appeal.

In May 1994 a further application for Sunday opening was refused for the following reason:

"The proposed development is unacceptable because the Authority considers that adjoining and nearby residents are entitled to expect some relief from the noise and general disturbance which is associated with the hot food takeaway from patrons entering, leaving and congregating at and in the vicinity of the application site".

The application site is adjoined either side by existing residential properties, and the main consideration remains the potential impact of Sunday opening (from 17.30 - 23.00) on the amenity of these immediately adjoining neighbours. It is considered that Sunday opening hours are now considered to be more acceptable than when the last application was made over 20 years ago, i.e. 1994. This consideration is reinforced by no objection having been raised by the Head of Public Protection. It is therefore recommended that planning permission be granted to vary Condition 6 of planning permission 2/02493 to allow Sunday opening for the hours outlined above.

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Comments from consultees: No objection is raised by the Head of Public Protection or the Transportation Engineering Manager.

Comments from public:

1. Sunday not an appropriate day to operate business - It is not considered that Sundays are an inappropriate day to operate a business from a current planning perspective.
2. Increased car movements during evenings and associated noise from car doors - The application premises is located on a busy road linking Oakdale to Crumlin. Whilst it is accepted Sunday opening hours will result in an increase in traffic in the immediate vicinity of the site, the Transportation Engineering Manager raises no objection to the application.
3. People urinating in rear lane - This would be matter for the police.
4. Anti-social behaviour - This would be a matter for the police.
5. Customers consuming food outside neighbouring properties - Any anti-social behaviour associated with the business would be a police matter.
6. Smell associated with business - The Head of Public Protection raises no objection to the proposal and the premises already benefits from odour extraction equipment.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Customers are not permitted on the premises outside the hours 10.00 to 23.30 on Monday to Thursday, 10.00 to 00.00 midnight on Fridays and Saturdays, and 17.30 to 23.00 on Sundays.
REASON: In the interests of residential amenity.
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