

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|---|
| 17/0039/COU 25.01.2017 | Mr D Dogan 6 Newport Road Trethomas Caerphilly CF83 8BY | Change the use from Florist Shop (A1) to Hot Food Takeaway (A3) plus new extract flue chimney to rear elevation 24 Church Street Bedwas Caerphilly CF83 8EB |

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Church Street.

Site description: The application property is a two storey semi detached property that was most recently used as a florist shop. The property is situated within the established local retail centre of Bedwas in an area characterised by a mixture of retail uses interspersed with residential properties. The properties either side are in retail use with a hot food take away number 22 Church Street and a Chemist at number 26 whilst on the opposite side of the road there is a mixture of commercial and residential properties. Whilst there are double yellow lines to the front of the application site, there is a limited waiting parking zone on the opposite side of the road.

Development: The application seeks full planning consent for the change of use of the property from a florist to a hot food takeaway. There would be no alterations to the front elevation of the property with the only external alteration being an extract flue to the rear.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

13/0646/COU - Change use of ground floor from cafe/shop to apartment - Granted
01.09.15.

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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

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

Head Of Public Protection - No objection subject to conditions in relation to noise and odour.

Transportation Engineering Manager - No objection.

ADVERTISEMENT

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

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Response: Letters of objection were received from the occupiers of two properties together with a number of letters sent by one of those persons to the MP and the Local Councillors.

Summary of observations:

1. There are already too many takeaways in Bedwas.
2. There is already a traffic problem in Bedwas with insufficient parking on Church Street.
3. Litter is a problem in the street.
4. Users of the hot food takeaway will cause a noise nuisance.
5. The extract flue will lead to smell.

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.

Is this development Community Infrastructure Levy liable? Yes, but the building has been in use recently and so 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 application property is located within a mixed use commercial and residential area within the village centre of Bedwas and as such the principle of a change of use to a hot food take away is considered to be acceptable. Indeed, as stated above Paragraph 10.2.4 of Planning Policy Wales encourages a diversity of uses in village centres.

Comments from consultees: No objections raised.

Comments from public:

1. Whilst it is noted that there are a number of hot food takeaways in Bedwas, it is for the market to decide whether there are too many and not for the planning system.

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2. No objection has been received from the Council's Transportation Engineering Services Manager in respect of the highways impact of this development. The property has a lawful use as an A1 shop and the car parking generated by the proposed use has to be considered against that generated by the existing. In that regard no additional off street parking would be required. It should also be noted that whilst the objections suggest that there are severe parking problems in the vicinity of the site, during the site visits that have been carried out by officers of the Council in order to assess the application, no parking problems were identified and ample parking was available in the area.
3. Litter is a material planning consideration but it would be unreasonable to refuse permission on that basis in a village centre location, where litter enforcement can be carried out by other agencies. In any event the complainant suggests that much of the litter is from the McDonalds restaurant at Gallagher Retail Pak approximately 1 mile to the south. It would not be reasonable to refuse this application on the basis of an ongoing problem associated with another business unrelated to this one.
4. Noise nuisance from users of the premises would be a matter for the police. However, a condition would be attached to any consent granted controlling the hours of opening of the premises in order to avoid any late night disturbance. Nevertheless it should also be noted that this is a mainly commercial area with a number of existing hot food takeaways and as such not all noise nuisance can be attributed to this proposal.
5. The purpose of an extract flue is to suppress odour from cooking and to control the noise created by that process. Subject to the submission of acceptable details, which would be required by condition, it is not considered that any unacceptable smell would be caused.

Other material considerations: As there is a flat above the hot food takeaway it is considered that a condition should be attached to any consent granted requiring the submission of a scheme of noise insulation in order to protect the amenity of occupiers of that flat.

In conclusion it is considered that the proposal is acceptable in planning terms as the use is in keeping with other uses in the area and there would be no unacceptable impact on highway safety and residential amenity. Conditions can mitigate any noise and odour nuisance and there would be no visual impact from the development.

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.

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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 development shall be carried out in accordance with the following approved plans and documents: PL04, PL03, PL0 and PL02.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to mitigate the effect of noise from the proposed commercial 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.
- 04) 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.
- 05) 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.
- 06) 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.

Advisory Note(s)

Please find attached comments from Dwr Cymru/Welsh Water.

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The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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:
Policy CW2.

