

**Application Number:** 20/0830/COU

**Date Received:** 06.10.2020

**Applicant:** Mr A.S Mitha

**Description and Location of Development:** Change the use of former hairdressers to an A3 premises - Iconic Llanarth Corner Llanarth Road Springfield Pontllanfraith

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: Iconic, Llanarth Corner, Llanarth Road, Springfield, Pontllanfraith.

Site description: The application site is a detached property comprising of a commercial unit and residential unit located on the corner junction of Llanarth Road/Islwyn Terrace and Meadow Road in Springfield, Pontllanfraith. To the north is the neighbouring detached dwelling (Beech Corner), to the south is Meadow Road with residential properties beyond. To the west is Llanarth Road with residential properties beyond. To the east is an area of open space with the residential street of Brookfield Road beyond.

Development: Change the use of former hairdressers to an A3 premises.

Dimensions: The area sought for change of use to A3 is approximately 60sqm2.

Materials: Not applicable.

Ancillary development, e.g. parking: Staff parking.

### PLANNING HISTORY 2010 TO PRESENT

None.

### POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales 10th Edition, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE Supplementary Planning Guidance note LDP 7 (Householder Development)

### 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? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

### CONSULTATION

Police Architectural Liaison Officer - There are no objections to the change of use planned to A3

Transportation Engineering Manager - No objection subject to planning condition in respect of staff parking.

Head Of Public Protection - No objection subject to planning conditions to mitigate noise and odour.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent.

Response: 20 individual responses objecting to the development were received which include those of a local ward member.

A petition against the application with 97 signatories and with the title "Say no to the food & drink application in Llanarth road" was received.

A counter petition in support of the proposal was also received with 211 Signatories.

Summary of observations: The matters raised in objection of the application in the correspondence received are summarised below:

- Concern at late opening hours and resultant noise, odour and disruption to family life.
- Increased Litter and food waste.

- Increase in Antisocial behaviour and safety concerns.
- Impact on mental health through loss of sleep due to noise and anxiety due to antisocial behaviour.
- Limited existing Parking with existing parking problems and no car parking nearby.
- Noise from traffic and patrons.
- Increase in traffic and highlight existing vehicles speed in area.
- Dangerous corner and could cause adverse impacts for highway safety.
- Odour.
- Existing antisocial behaviour in the nearby Islwyn Park with associated noise and parking problems and proposal could lead to increased littering to street and car park.
- The application site being in the middle of a residential area is an unsuitable location for such a business.
- This sort of outlet should be either in shopping areas or on Commercial Street where there are other outlets.
- Questions the need for a takeaway due to a large number of similar businesses within the local area.
- There are separate delivery services available to residents.
- Will decrease nearby housing prices.
- Vermin will be attracted including from brook nearby.
- The applicant would be better off applying to convert to another flat or a single dwelling.
- Inspecting the area in the current pandemic does not reflect the normal traffic/parking and antisocial behaviour.
- The area mainly consists of pensioners.

### 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?

It is not considered that crime and disorder will be materially affected by the development.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No as there is no new floor space created by the development.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity, highway safety and the impact of the development on the character of the area.

The application property has most recently been operating as a hairdresser's (A1 use class) with a separate residential unit of accommodation. The proposed development is to change the use of the A1 retail unit to an A3 (Food and Drink) unit understood to be likely operate as a hot food takeaway. The separate unit of accommodation would remain and is within the ownership of the applicant. The application site is not designated for any specific use within the adopted Local Development Plan. In principle the proposed use as a hot food takeaway is considered to accord with the role and function of the settlement of Pontllanfraith in accordance with adopted Local Development Plan CW15 (General Locational Constraints).

The impacts of the development on neighbour amenity have been considered. The area surrounding the application site is predominately residential in nature. The proposal to change the hairdressers to a takeaway has the potential for adverse impacts on surrounding residential properties. The nearest residential property (not within the ownership of the applicant) is a detached property located to the north (Beech House). There are further residential properties on the opposite side of the road from the application site on Llanarth Road, Meadow Road and to the east on Brookfield Road.

It is acknowledged that takeaway uses have the potential to harm the amenity of an area by way of odour, noise and disturbance from patrons along with associated Highway implications. It is noted that the existing A1 (Retail) use of the unit, which was last used as a hairdressers, could be brought back into use and operated as another use within Class A1 without the need for planning consent (such as a convenience store). The use of the unit for purposes within Class A1 Retail would itself have an impact on the local area in terms of parking, noise and disturbance from patrons.

There are however specific issues in relation to the operation of hot food takeaways which can be more intensive than retail uses falling within Class A1. In particular the issue of odour from cooking and preparation of food can be significant, if not adequately addressed through the use of commercial grade extraction/filtration systems. The Environmental Health Officer has been consulted on the application and has raised no objections to the proposed use, subject to planning conditions to address noise from plant and equipment and requiring details of equipment to control odour and extraction to be submitted for approval prior to the takeaway use commencing.

The impact of the proposed use on the amenity of occupiers of neighbouring properties by way of antisocial behaviour has been considered. The use of the premise as a takeaway has implications for noise and littering, however this is not considered to be of such a magnitude worse than the potential impacts of the lawful use of the unit within

Class A1, as for example a retail shop, to justify refusal of the application on this basis. The matter of antisocial behaviour has been raised in some representations to the application with correspondence highlighting existing antisocial behaviour issues with Iswlyn Park. Noting that the existing ground floor retail unit could be operated for A1 retail uses without the need for further planning permission it is not considered that the approval of an A3 use would necessarily lead to greater antisocial behaviour. The Police have been consulted on the application and have raised no objections to the development.

It is a fact that issues such as antisocial behaviour can be influenced by the operating practices of businesses and, if antisocial behaviour did occur, this could be addressed under existing legislation and enforcement powers. These could include civil enforcement of littering powers or antisocial behaviour orders through community policing activities. It is considered that the adverse impacts of the takeaway use can be adequately mitigated through the proposed conditions and that the development will have an acceptable impact on all surrounding residential properties in accordance with adopted Local Development Plan Policy CW2 (Amenity).

The impact of the development on highway safety is a relevant consideration in the determination of this planning application. The premise is located on Llanarth Road close to a junction on a bend in the road. There is a length of existing double yellow lines in front of the premise but there is also on-street parking within the local area. The Highway Authority have reviewed the planning application and have advised that they raise no objections to the development. Following discussions with the applicant the plans to utilise a front forecourt area for parking has been removed as it does not meet adopted Parking Guidelines in terms of depth of parking bays. The existing parking restrictions are considered sufficient to prevent dangerous parking and there is adequate on-street parking provision within the local area to serve the new business. A staff parking area will be required by planning condition and the existing residential unit on the application site has access to a separate garage. It is considered that the development accords with adopted Local Development Plan Policy CW3 (Highways).

Comments from Consultees: Addressed in the body of this report.

Comments from public: Concern at late opening hours and resultant noise, odour and disruption to family life.

- Increased Litter and food waste.
- Increase in Antisocial behaviour and safety concerns.
- Impact on mental health through loss of sleep due to noise and anxiety due to antisocial behaviour.

The development, subject to the proposed planning conditions can be adequately mitigated in terms of litter, noise and odour.

- Limited existing Parking with existing parking problems and no car parking nearby.
- Noise from traffic and patrons.

- Increase in traffic and highlight existing vehicles speed in area.
- Dangerous corner and could cause adverse impacts for highway safety.

The Highway Authority has considered the existing situation in respect of highway safety and raises no objection to the application.

- Odour.

The Environmental Health Officer has raised no objection and odour can be adequately controlled through the installation of extraction/filtration equipment required to be agreed by a planning condition.

- Existing antisocial behaviour in the nearby Islwyn Park with associated noise and parking problems and proposal could lead to increased littering to street and carpark.

There are both civil and police enforcement powers to address littering and antisocial behaviour.

- The application site being in the middle of a residential area is an unsuitable location for such a business.
- This sort of outlet should be either in shopping areas or on Commercial Street where there are other outlets.

The unit can be lawfully use for retail uses at present and the impact of a takeaway has been considered and is deemed acceptable.

- Questions the need for a takeaway due to a large number of similar businesses within the local area.
- There are separate delivery services available to residents.
- The applicant would be better off applying to convert to another flat or a single dwelling.
- It is not the role of the planning system to resist or restrict commercial activities based on supply/demand/competition reasons and the application has been considered on the basis of the submitted proposal.
- Will decrease nearby housing prices.

The devaluation of property is not a material planning consideration.

- Vermin will be attracted including from brook nearby.

The issue of waste is subject to a planning condition requiring the agreement of details for waste management and collection. This will enable suitable storage and management of waste to be provided minimising the potential for attraction of vermin.

- Inspecting the area in the current pandemic does not reflect the normal traffic/parking and antisocial behaviour.

Welsh Government has provided advice and guidance to Welsh Local Planning Authorities during the current Covid-19 pandemic and has not considered it appropriate to suspend or otherwise alter the general process of assessment or determination of planning applications. The actual impact of the pandemic will undoubtedly vary by location but could include impacts on parking (such as greater levels of parking in daytime with increased homeworking). It is not considered that the overall assessment of material planning considerations has been inhibited by the present pandemic situation.

- The area mainly consists of pensioners

It is understood that there will be a mixture of resident ages in most areas and whilst there may be a greater proportion of pensioners in certain areas this in itself is not material to the consideration of this particular application.

Other material considerations: 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.

The proposed development is considered acceptable subject to the mitigation measures to address odour, noise from plant/equipment and staff parking. It is recommended for approval accordingly.

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:
  - Site Location and block plans, drawing reference 2020-08/PL01;
  - Proposed Floorplan and Elevations drawing reference 2020-08/PL03 revision 2.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The area shown on the submitted plans for staff parking shall be provided prior to first use of the approved development and maintained thereafter free of obstruction for the parking of staff/outward delivery vehicles only.  
REASON: In the interests of highway safety and to comply with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 04) For the avoidance of doubt the floor space permitted for A3 use shall be limited to the ground floor area of the building 2020-08/PL03 rev 02 and shall exclude the areas annotated "Residential Tenancy" and "Residential Entrance".  
REASON: To define the scope of this permission.
- 05) The use hereby permitted shall not be open to customers outside the following times:

(A) 09.00 hours to 23.00 hours Monday to Saturday, and  
(B) 09.00 hours to 22.00 hours Sunday.

REASON: In the interests of residential amenity.

- 06) Prior to development commencing on site, 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 A3 use commencing.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 07) Prior to the commencement of the development a scheme for the storage, collection and disposal of commercial waste shall be submitted to and agreed in writing by the Local Planning Authority. Any facilities required by the agreed scheme shall be provided prior to the commencement of the A3 use and the premise shall be operated in accordance with the approved scheme thereafter.  
REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.  
REASON: To prevent pollution in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

Please find attached the comments of The Environmental Health Officer that are brought to the applicant's attention.

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](http://www.gov.uk/government/organisations/the-coal-authority).

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.