

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|---|
| 14/0754/NCC 31.10.2014 | Dylan Jones Retail C/o RPS Cardiff Park House Greyfriars Road Cardiff CF10 3AF | Vary Condition 08) of planning consent 14/0210/COU to reduce the maximum length of delivery vehicles and remove Condition 09) Gwent Constabulary Nelson Police Station Dynevor Terrace Nelson Treharris CF46 6PD |

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is situated on the western side of Dynevor Terrace approximately 150m from the roundabout at High Street.

Site description: The application property is a single storey rendered building with a slate roof which is a purpose built building formerly used as a Police Station. The building currently comprises a public reception room to the front with offices behind and a double integral garage to the rear. It is sited at the southern end of the Town Centre car park with a vehicle repair garage to the south, dwellings to the east and west and the car park and then the main bus terminal to the north. The site is also fronted by Dynevor Terrace, which is the Classified B4225 main road from Gelligaer, Trelewis and Bedlinog to the A472 and A470 to the south west. Planning consent for the change of use of the property to a hot food takeaway was recently granted under application reference number 14/0210/COU.

Development: The application seeks consent to vary Condition 08) and remove Condition 09) of consent 14/0210/COU. Condition 08) restricts the length of delivery vehicles to the property to 10.5m whilst Condition 09) requires improvements to the lay-by to the front of the building in order to accommodate those vehicles. The applicants have stated that all deliveries to the premises can be made using a rigid body vehicle with a maximum length of 7.2m and as such improvements to the lay by are not necessary.

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PLANNING HISTORY

P/97/0597 - Erect new police station - Granted 11.09.97.

14/0210/COU - Change use of the Former Nelson Police Station (sui generis) to a pizza delivery/takeaway (Use Class A3) - Granted 07.08.14.

14/0614/ADV - Erect 1 No. internally illuminated fascia text sign with non-illuminated white underline, 1 No. internally illuminated fascia tile logo signs and 1 No. internally illuminated projecting sign - Not yet determined.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries)
CW2 (Amenity), CW3 (Design Considerations: Highways) 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."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Transportation Engineering Manager - No objection subject to a condition controlling the type of delivery vehicle.

Head Of Public Protection - No objection.

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Nelson Community Council – Expresses concern regarding how the size of delivery vehicles would be monitored and what sanctions could be applied.

ADVERTISEMENT

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

Response: At the time of writing the report no objections have been received. Any objections received prior to the application being heard at Committee will be brought to the attention of Members at the Committee.

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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The conditions referred to in this application were imposed in order to ensure that sufficient provision was made for deliveries to the property in the interests of highway safety. In that regard the main point to consider in the determination of this application is whether the existing lay-by is capable of accommodating the size of delivery vehicle suggested by the applicant and consequently whether any improvements are required. In support of the application the applicant has submitted a swept path analysis plan showing the 7.2m long rigid body vehicle entering and exiting the current lay-by from both directions thereby indicating that no improvements are required.

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This plan has been assessed by the Transportation Engineering Manager who is satisfied that the lay-by can accommodate the vehicles without improvements and as such the proposal is acceptable from a highway safety perspective.

In order to ensure that deliveries continue to be acceptable in planning terms, Condition 09) now needs to be amended in order to retain control over the size of vehicles that can be accommodated within the lay-by. As such the wording should be amended to a maximum length of 7.2m.

In conclusion it is considered that the details submitted indicate that the proposal is acceptable in highway safety terms and it is also considered that the proposal would actually lead to less disruption to the residents in relation to both the engineering works that would have been required to the lay-by and in terms of the size of vehicle that will be delivering to the premises.

Comments from consultees: With regard to the concerns expressed by Nelson Community Council, Members are advised that should any complaints be received in respect of the size of vehicles then the site would need to be monitored to assess compliance with the conditions. If there is any breach of the conditions then enforcement action can be taken.

Comments from public: None at the time of report preparation.

Other material considerations: The applicant has stated that this will not lead to an increase in the number of deliveries to the property.

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 hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Drawing No. B8310-AEW-14017-00-DR-PRELIM-OO1 and letter received from RPS dated 22nd May 2014. Drawing No. JPW0366-001 received on 22nd April 2014 and Drawing No. DPNELSON.1/01 (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.

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- 03) No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building and associated plant and equipment. The measures included in the approved scheme shall be implemented prior to the first occupation of the building and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.
- 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: 11.00 hours to 23.00 hours Monday to Sunday.
REASON: In the interests of residential amenity.
- 07) Notwithstanding the submitted plans, prior to the commencement of the use hereby approved details shall be submitted to and approved in writing by the Local Planning Authority which provide two off-street parking spaces, designated for the use of staff and despatch drivers associated with the business, within the curtilage of the site. Such provision shall be completed in accordance with the agreed details prior to the use hereby approved commencing and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In order to ensure the provision of adequate off-street car parking in the interests of highway safety.
- 08) Articulated vehicles associated with the use hereby approved shall not deliver to the premises. Delivery vehicles shall be limited to a rigid trailer type vehicle (FTA Design LG Rigid Vehicle) not exceeding 7.2m in length.
REASON: In the interests of highway safety.

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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: SP6, CW2 and CW3.
