

AGENDA ITEM NO.

PLANNING COMMITTEE

5TH SEPTEMBER 2012

**PLANNING APPLICATIONS UNDER THE
TOWN AND COUNTRY PLANNING ACT 1990
AND ASSOCIATED LEGISLATION**

**APPLICATION
NUMBER**

LOCATION

11/0519/FULL

Llechwen Hall Hotel, Craig-Evan-Leyshon, Common Road, Nelson.

12/0519/LA

Land at Pontymister Industrial Estate, Pontymister, Risca.

12/0520/COU

6 Gladstone Street, Crosskeys.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0519/FULL 19.07.2011	Llechwen Hall Hotel C/o Harmers Limited 39 Lambourne Crescent Cardiff Business Park Llanishen Cardiff CF14 5GG	Erect extension and alterations to hotel Llechwen Hall Hotel Craig-Evan-Leyshon Common Road Nelson Treharris CF37 4HP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Llechwen Hall Hotel, Llanfabon.

Site description: The site is located in the open countryside and within the Mynydd Eglwysilan Special Landscape Area. The site is made up of a group of buildings comprising the main hotel building with Llechwen Hall Cottage to the east and rear of this, and the former coach house, which is now used as guest accommodation in association with the hotel to the southeast, forward of the main building. Llechwen Hall Lodge, which is a private residence, is located to the south of the entrance drive to the hotel site. A marquee and decking area are sited to the rear of the existing hotel building. The marquee is linked by a wooden shiplap extension to a single storey extension belonging to Llechwen Hall Cottage, and provides ladies and gents washroom facilities in respect of the marquee. The hotel currently offers hotel accommodation amounting to 20 bedrooms.

Development: Full planning permission is sought in respect of a proposed extension and alterations to the Llechwen Hall Hotel to provide a 26 bedroom, two-storey extension with ancillary gym, pool, beauty suites and new reception area. Two conservatory extensions providing enhanced dining facilities are also proposed on the western side of the existing hotel building together with a lobby area between the two and a new cellar. The development also includes the removal of the cellar/bottle store/bar at the front corner of the west elevation and replacement with a conservatory. The two-storey link between the existing hotel building and the new extension will provide a new, vaulted ceiling and reception area at ground floor level with stairs to the first floor level.

A new car parking area is proposed to the eastern rear boundary of the site.

26 full-time staff are currently employed at the hotel and the proposed extension would result in an additional 27 staff.

Dimensions: The footprint of the 26 bedroom, L-shaped, attached, extension has maximum dimensions of 24.6m wide x 38m long x 9.4m high at the front elevation. The new conservatory to the rear western elevation of the existing hotel has maximum dimensions of 7m wide x 7.3m deep x 3.9m high. The footprint of the new conservatory and cellar also to the western central boundary of the existing building measures 11.4m wide x 7.3m deep x 3.9m high. It is also proposed to provide a conservatory on the western front corner of the existing building, to replace the existing cellar, bottle store and bar. The dimensions of this new development measures 5.2m x 6.8m x 3.9m high. An extension to the rear eastern elevation of the existing building measures 4.5m x 4.2m x 4m high. A covered walkway running along the eastern boundary of the site measures 24.8m long x 2.8m wide.

Materials: Artificial slate in the roof, white render with blue pennant stone to front elevation. No details of windows, doors, or conservatory.

Ancillary development, e.g. parking: 80 existing car parking spaces with an additional 28 proposed.

PLANNING HISTORY

5/5/95/0356 - Convert two outbuildings to provide six bedrooms - Granted 09.08.95.

P/00/0785 - Renew planning permission to convert two outbuildings to provide six bedrooms - Granted 12.09.00.

P/97/0442 - Convert and extend coach house to create a further eight hotel bedrooms and extension of hotel grounds - Granted 14.08.97.

09/0501/RET - Retain function marquee with associated decking patio - Granted 12.11.09.

10/0603/NCC - Remove Condition 01 of previous planning consent 09/0501/RET to retain function marquee with associated decking patio on a permanent basis - Granted 09.12.10.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: Outside of settlement boundaries and within a visually important local landscape (Policy NH2).

Policies:

Policy SP1 - Development Strategy in the Northern Connections Corridor

Policy SP4 - Settlement strategy

Policy SP5 - Settlement boundaries

SP6 - Place making

Policy SP7 - Planning Obligations

Policy SP11 - Countryside Recreation

Countywide Policies

Policy CW1 - Sustainable Transport, Accessibility and Social Inclusion

Policy CW2 - Amenity

Policy CW3 - Design Considerations - Highways

Policy CW4 - Natural Heritage Protection

Policy CW6 - Trees, Woodland and Hedgerow Protection

Policy CW15 - General Design Considerations.

Policy CW20 - Locational constraints, conversion, extension and replacement of buildings in the countryside.

Supplementary Planning Guidance contained in LDP10 - Buildings in the Countryside, LDP5 - Car Parking standards, LDP6 - Building Better Places to Live.

NATIONAL POLICY:

Planning Policy Wales, 4th Edition, February 2011, Chapter 4, Planning for Sustainability, Chapter 11 - Tourism at paragraph 11.3 Development control and tourism, sport and recreation

11.3.1 In determining planning applications for tourism developments, local planning authorities need to consider the impact of proposals on the environment and local community. They may seek to reduce the impact of development using arrangements for traffic and visitor management.

11.3.2 Local planning authorities may be justified in seeking Section 106 Planning Agreements to contribute to the maintenance of safe and attractive facilities and open space, and to meet the needs of new communities. Such agreements may also need to be used to help ensure that standards of provision set out in development plans are met.

11.3.3 Authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, in the case of larger developments, ease of access and the safety of residents, users and the public (sections 13.13 to 13.15).

TAN 6 - Agricultural and Rural development.

TAN 12 - Design.

TAN 13 - Tourism. Paragraph 5. Hotel development can bring benefits for the local community and support amenities and activities for residents and tourists. Such development should be compatible with neighbouring uses.

8. Moderately sized extensions to an existing hotel or public house, including the addition of bedroom accommodation, can help ensure the future viability of such businesses. Using the potential of the site or building may allow local as well as tourism needs to be met. However, there should not be a disproportionate increase in scale.

9. Car parking and access requirements may vary according to the scale and type of activity for which an hotel is intended and its location. In urban areas the amount of parking provided is likely also to be related to public transport facilities. Access and waiting areas should be designed to avoid congestion and minimise turning movements.

Planning Policy Wales at para.5.5.1 states "The effect of a development proposal on wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the quality of land."

Planning Policy Wales para 7.6.2 lists a set of criteria which local planning authorities should have regard to in determining planning applications for industrial and commercial uses.

Manual for Streets.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

CONSULTATION

Countryside And Landscape Services - Previous comments in relation to trees made on the 2nd August 2011 remain, that the development will or will likely have an affect on trees on site and that a tree survey is required to assess this impact (please note the update in guidance since this time).

If the development is refused outright on other material considerations, it may be inappropriate to request a tree survey. However should the process go to appeal these details will be required to overcome current objections based on lack of data to ensure the protection and retention of trees on site, in the interests of visual amenity.

Police Architectural Liaison Officer - Has no objection to the development but provides advice in respect of security matters to be conveyed to the developer.

Rights Of Way Officer - Confirms that Caerphilly Footpath 115 passes through the site and must not be obstructed.

Wales & West Utilities - Confirms that it has no apparatus within the area but provides advice concerning other gas pipes that are owned by other GT's and also privately owned which may be present in this area.

Western Power Distribution - Confirms the existence of its apparatus within the vicinity of the site and provides advice to be conveyed to the developer in respect of the same.

Rhondda Cynon Taf Council - Objects to the development because the proposed additional use of the sub-standard lane that lacks width, passing bays, pedestrian footways and forward visibility will create increased hazards to the detriment of highway safety.

Minerals Officer - The site lies within the sandstone safeguarding area. However, Policy CW22 A in the adopted LDP applies. Therefore, there is no objection on mineral safeguarding grounds.

Conservation & Design Officer - No objection.

Transportation Engineering Manager - Objects because of the poor highway network serving the site.

Head Of Public Protection - No objection.

ADVERTISEMENT

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

Response: None.

Summary of observations: Not applicable.

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? Heddlu Gwent Police have no objection to the development but provide advice in respect of security matters to be conveyed to the developer.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

In terms of ecology, there is the potential for a bat roost in a large mature Ash tree within the vicinity of the proposed car park on the eastern side of the site, the retention of which is acceptable. However if this area is developed for a new car park, then a split limb on that tree overhangs across the likely access point to this car park and as such may have to be subsequently removed for health and safety considerations. It is therefore recommended that a bat survey would be required of this tree due to the presence of an overhanging split limb that may cause problems in association with car parking use of the land below it. If the car park is removed from the plans, then a bat survey would not be required.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The main issues to be considered in the determination of this planning application are considered to be the compatibility of the use with neighbouring land uses, the impact of the development upon highway safety, the development occurring within the Mynydd Eglwysilan Special Landscape Area (Policy NH1.3), the effect of the development upon trees and biodiversity and in respect of the design of the development.

In assessing the application consideration has to be given to the need to balance the general presumption against development in the countryside with policies that encourage tourism, leisure and hotel accommodation. In this respect Policy CW15 advises that outside settlement boundaries proposals will not be permitted unless the proposed development is, amongst other things, for recreation, leisure and tourism proposals that are suitable in a countryside location. The principle of the use of this site for hotel accommodation and leisure has previously been accepted in planning terms by the grant of planning consents, in respect of the same. TAN 13 at paragraph 5 states that hotel accommodation can bring benefits for the local community and support amenities and activities for residents and tourists subject to the use being compatible with neighbouring uses. In this respect, the hotel is located in open countryside and the proposed extensions are within the boundaries of the site, and as such it is not considered that the proposed development would have an adverse impact upon neighbouring land uses.

In terms of highway considerations Policy SP6(d) and Policy CW3(a) of the LDP is relevant. This Council's Transportation Engineering Manager has raised objection to the development because this property is approached from two directions along an inferior road. The road is geometrically substandard, both as regards its width and its horizontal and vertical alignment. It has no streetlighting and the standard of its construction is questionable. Essentially it is a narrow winding country lane most suited for use by farm traffic only. This development proposal would, if approved, increase the amount of vehicular traffic using the lane by both visitor vehicles and by servicing vehicles. The lane is only one vehicle wide and there are very few passing places. The potential for conflicting traffic movements would increase from the present situation, as also would the wear and tear on the structure of the lane itself. The last approval granted to this business was for the erection of a marquee for use in wedding ceremonies and receptions. This was considered acceptable, initially for a trial period only, because it was considered that by and large the traffic attending such functions would all arrive and leave at roughly the same times and clearly the traffic movements along the lane would all be in the same direction, thus minimising the potential for conflict. This situation would not apply to the present application because traffic would be likely to be moving both to and from the premises at all times of the day. A previous application (07/1361/OUT) for the construction of a dwelling in the grounds was refused at appeal because the Inspector considered the road to be unsuitable.

It is noted that Rhondda Cynon Taf Council also objects on highway safety grounds.

In terms of design, it is noted that many existing buildings in the countryside have characteristics that are worthy of protection and it is important that conversions, extensions and replacements respect the local context, both in terms of materials and design. The existing building is not listed but the building is included within an Inventory of Ancient Monuments in Glamorgan where it sets out the historic 16th and 18th Century origins of the building and its appearance of as being once a long-house.

Strategic Policy SP6(b) of the LDP requires that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through amongst other things a high standard of design that reinforces attractive qualities of local distinctiveness. This advice is reinforced in objective 5 of supplementary planning

guidance - LDP6 - Building Better Places to Live, which states, "The character and context of any development is created by the form of the development, the landscape, culture and biodiversity - all of which are locally distinctive." The application site is located within the Mynydd Eglwysilan Special Landscape Area (Policy NH1.3) and in such areas recognised for their landscape quality the objective of sustaining character is particularly important. TAN 12 at paragraph 5.5.2 states, "Good design will almost always be dependent on working within the natural constraints and the historic character of the landscape and this should be the starting point from which the design evolves. The aim should be to achieve good design solutions, which maximise the natural landscape assets and minimise environmental impact on the landscape.

Policy CW20, in respect of extensions in the countryside states that the extension should respect the scale and character of the original building, which should remain the dominant element.

TAN 13 at paragraph 8 states: - "Moderately sized extensions to an existing hotel or public house, including the addition of bedroom accommodation, can help ensure the future viability of such businesses. Using the potential of the site or building may allow local as well as tourism needs to be met. However, there should not be a disproportionate increase in scale". Supplementary planning guidance contained in LDP 10 provides guidance on extensions in the countryside and states that where an extension to a building is proposed it should ensure that the original building remains the dominant element.

Extensions should not normally result in an increase in the volume of the original building excluding any previous extensions by over 50%, although the increase in size that will be acceptable will depend upon the character of the existing building. If a building has already been extended, the impact of further extensions on the character and context of the area will be considered.....If new buildings are allowed as part of rural development and diversification schemes, the number and size of buildings proposed to be used for the new or expanded business should be proportionate to the number of existing buildings on a site. Consideration will be given to recent developments that have occurred on the site and the potential impact that further development may have on the setting of the area."

In terms of the scale of the development, and the existing situation, it is noted that planning application reference 10/0603/NCC for a permanent marquee on the site was granted in November 2009, the footprint of the marquee amounts to 495 square metres with a surrounding decking area amounting to 460 square metres. In August 1997, planning approval reference P/97/0442 was granted to convert and extend a coach house within the grounds of the hotel, with a footprint of 169 square metres, to create a further eight hotel bedrooms. That application included the extension of the hotel grounds. The existing hotel amounts to 1024 square metres of gross internal floor space and offers 20 bedrooms and that of the proposed extensions amounts to 1405 square metres of internal gross floor space, offering an additional 26 bedrooms.

In this respect, the proposed main extension is bigger than the original hotel and as such becomes the dominant element. In addition, the proposal includes the introduction of three conservatories and a cellar along the western elevation of the existing hotel and new toilets and internal walkway along the eastern elevation of the hotel. It is considered that these extensions result in the original character of the hotel building (once a long-house) being lost.

Furthermore, the link proposed from the main hotel to the new extension is alien to the character of the original hotel building in terms of its form and design. Notwithstanding the introduction of two gables, to replicate to a certain extent the existing hotel, in the front elevation of the new extension, this elevation is at odds with the existing building, whose character is enhanced by its arched entrance door, bay window, concrete sills and chimneys. In addition it is considered that the introduction of a proposed conservatory on the western corner of the existing front elevation is considered to detract from this original character. The proposed introduction of a window at first floor level in the front elevation of the existing hotel does not follow the style and dimensions of the existing windows in the elevation and as such there is a loss of

symmetry and balance. The openings in the new extension do not correlate with the existing hotel building. No details of the materials to be used in the windows, doors, and conservatory are provided. The use of blue pennant stone below the first floor windows in the front elevation is "to reduce the overall massing effect of the extension" as stated in the DAS but it is considered that this will enhance the extension to the effect that it along with the link extension will become the dominant element. The reduction in height of the proposed extension by one metre is not considered enough to address this concern regarding the form of the development particularly in terms of height and massing.

The development proposes a 26 bedroom extension, with ancillary gym, swimming pool and beauty suites, and enhanced dining facilities but no justification or evidence has been provided that there is a demand for the additional facilities other than the additional bedrooms required by people attending wedding functions. In terms of the development of the business there is no business plan or evidence provided that demonstrates that a demand exists in respect of the additional facilities proposed over and above the hotel accommodation i.e. swimming pool, spa treatment facilities, expansion of the restaurant open to the general public.

The countryside issues need to be addressed in respect of the proposed development in respect of both trees and ecology. It is considered that the development will result in the loss of trees and in this respect Policy CW4 - Natural Heritage Protection, and Policy CW6 - Trees, Woodland and Hedgerow Protection, of the LDP are relevant. The plans submitted show trees to be removed and some to be retained in close proximity to the proposed works on site. Notwithstanding that amended plans have been submitted, which reduce the size of a proposed conservatory extension on the rear western elevation in order to retain an existing sycamore tree, the development will or will likely have an affect on trees on site. There are also several large trees that will be affected by the provision of a new car park to the east of the access road behind the barn building, as such before comments can be made in relation to trees, whether within the proposed site or trees on adjacent land, which may be affected by the proposal, a tree survey, which has been undertaken by a suitably qualified or competent Arboriculturist to British Standard 5837 of 2005 (Trees in Relation to Construction) is required to assess this impact.

In terms of ecology, there is the potential for a bat roost in a large mature Ash tree within the vicinity of the proposed car park on the eastern side of the site, the retention of which is acceptable. However if this area is developed for a new car park, then a split limb on that tree overhangs the likely access point to this car park and as such may have to be subsequently removed for health and safety considerations. It is therefore recommended that a bat survey would be required of this tree due to the presence of an overhanging split limb that may cause problems in association with car parking use of the land below it.

Comments from Consultees: These are taken into account in the analysis above.

Comments from public: None.

Other material considerations: None.

In conclusion it is considered that the proposed development conflicts with local plan policies and national planning guidance referred to above and is therefore unacceptable in planning terms.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The proposed additional use of the sub-standard lane that lacks width, passing bays, pedestrian footways and forward visibility will create increased traffic hazards to the detriment of highway safety in conflict with Policies SP6 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- 02) The proposed development by virtue of its massing, scale and appearance does not respect the scale and character of the original building, which should remain the dominant element, nor does it respect the historic character of the surrounding Mynydd Eglwysilan Special Landscape Area in conflict with Policies SP6 and CW4 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 03) A tree survey undertaken by a suitably qualified/competent Arboriculturist to British Standard 5837 of 2005 (Trees in relation to Construction) is required to assess the impact of the development upon trees, prior to the determination of the planning application to properly assess the scheme in respect of Policies CW4 and CW6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 04) A bat survey is required in respect of a mature Ash Tree located within the vicinity of the proposed car park to ascertain whether or not the development could result in the loss of a bat roost prior to the determination of the planning application to properly assess the impact of the scheme on European protected species.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0519/LA 30.07.2012	CCBC Urban Renewal Ty Pontllanfraith Pontllanfraith Blackwood NP12 2YW	Erect public artwork Land At Pontymister Industrial Estate Pontymister Risca

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: Within Pontymister Industrial Estate.

Site description: The site adjoins on its southern and western sides the realigned estate road leading to the Tesco superstore, with the KFC restaurant and industrial premises on the opposite side of the estate road. Commercial premises abut the northern and eastern sides. An industrial building on the site was demolished as part of the superstore scheme and the site is currently open and vegetated. A telecommunications mast is sited within the north-east corner of the site.

Development: Erection of public artwork comprising a decorated column topped with a bird (cuckoo).

Dimensions: 6m high artwork on a 1.4m high grass mound. The artwork is 1.3m wide at the base, attached to a 1.7m square base incorporated within the grass mound.

Materials: Steel and aluminium.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

10/0537/FULL - Provide revised highway layout to serve approved adjoining Tesco store development - Granted 08.09.10.

08/1080/FULL - Erect 20m column mast accommodating six antennae with ground cabinets within a palisade steel fenced compound - Granted 05.03.09.

08/0568/FULL - Erect Class A1 retail foodstore, petrol filling station and associated car parking, access, servicing, landscaping and flood alleviation scheme, together with new pedestrian footbridge and riverside walkway - Granted 16.03.10.

P/06/0310 - Erect perimeter fence to enclose building - Refused 17.07.06.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Policies: SP6 (place making) and CW2 (amenity).

NATIONAL POLICY Planning Policy Wales.

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? The site lies within an area for which a Coal Mining Risk Assessment is not required.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No comment.

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Extent of advertisement: The occupiers of seven neighbouring premises were notified by letter and a site notice was displayed.

Response: None.

Summary of observations: Not applicable.

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? Crime and disorder are not considered to be issues in this case.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposed artwork forms part of the overall scheme to improve the environment around the access to the Tesco superstore. It would occupy a landscaped site immediately adjoining the access road and opposite the KFC restaurant, with industrial premises to the rear. The artwork would comprise a 6m high column with a decorative oak leaf outer layer (aluminium or steel) on a steel core and a kinetic bird (cuckoo) atop the column. The artwork would be elevated on a 1.4m high grass mound to allow for the difference in levels between the site and the adjoining highway.

The proposed structure is considered to be acceptable in visual terms within the context of the site, and to be in compliance with Policy SP6 of the Council's Adopted Local Development Plan (LDP) and national guidance with regard to design issues.

The artwork would not have any adverse impacts on surrounding commercial uses and would be in compliance with LDP Policy CW2 with regard to amenity.

It is recommended that permission be granted.

Comments from Consultees: No substantive comments have been received from statutory consultees.

Comments from public: None.

Other material considerations: None.

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.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0520/COU 30.07.2012	Mr A Muhim 5 Eveswell Street Newport NP19 8EP	Change the use from A1 cold food retail unit to A3 hot food takeaway 6 Gladstone Street Crosskeys Newport NP11 6DD

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application premises are located on Gladstone Street, near the junction with Risca Road, Crosskeys, and are a two-storey, mid-terrace building.

Development: Change of use from Class A1 (shop/hairdresser) of the Town and Country Planning (Use Classes) Order 1987 to Class A3 (hot food takeaway).

Ancillary development, e.g. parking: None.

PLANNING HISTORY

11/0431/COU - Change the use from A1 cold food retail outlet to A3 hot food take-away - Refused 04.08.11.

07/1013/COU - Change the use of fishing tackle shop to Thai restaurant including new shop front and rear extension - Refused 04.10.07.

POLICY

LOCAL DEVELOPMENT PLAN:

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

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

NATIONAL POLICY: Planning Policy Wales and TAN12 (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? Not a material consideration as the application is for a change of use.

CONSULTATION

Transportation Engineering Manager - No objection subject to condition.

Head Of Public Protection - No objection subject to condition.

Police Architectural Liaison Officer - No objection but provides advice to the developer.

ADVERTISEMENT

Extent of advertisement: 23 neighbouring properties were consulted and a site notice was advertised near the site.

Response: Four letters of objection were received.

Summary of observations: - Increased competition for existing food outlets;

- Too many existing hot food takeaways in the area;
- Smells from premises;
- The premises are close to a busy traffic light junction;
- There is no safe on-street parking close to the site;
- A takeaway will generate short-term on-street parking;
- Customers of the existing takeaway park on the Salisbury Street junction obstructing visibility. Another takeaway would aggravate that problem;
- There are no dedicated unloading areas for delivery vehicles;
- Large vehicles visiting the existing takeaway cause congestion, and arrive late at night causing a noise disturbance;
- There is no parking for staff use;
- Noise and disturbance late at night;
- Loss of property value.

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? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposed development should be considered in terms of its impact on the amenity of surrounding properties and the area generally. Policy CW2 (Amenity) states that:-

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:-

- A There is no unacceptable impact on the amenity of adjacent properties or land;
- B The proposal would not result in overdevelopment of the site and/or its surroundings;
- C The proposed use is compatible with surrounding land uses and would not constrain the development of neighbouring sites for their identified land-use;
- D Where applicable, the viability of existing neighbouring land-uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development".

The proposed development immediately adjoins an existing A3 hot food takeaway. Furthermore, within 250 metres of the application site are located 4 additional A3 hot food takeaway establishments. It is considered that given the number of existing hot food takeaways in close proximity to the application site, the cumulative effect of the proposal would be detrimental to the amenity of this primarily residential area, contrary to Policy CW2 of the Local Development Plan.

A previous application at the premises (Ref: 11/0431/COU) was refused on the same basis as outlined above. The resubmitted scheme does not differ from the previous application, and therefore the recommendation remains the same.

Comments from Consultees: Transportation Engineering Manager raises no objection subject to condition.

Head of Public Protection raises no objection subject to condition.

Police Architectural Liaison Officer raises no objection but provides security advice to the developer.

Comments from public: The material planning considerations raised by members of the public have been addressed above as well as in the reasons for refusal. The Transportation Engineering Manager does not raise any highway objections.

The objections based on the proposal creating competition for existing hot food takeaways in the area and loss of property value are not planning considerations.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The siting of a further A3 hot food use in this location, and the cumulative effect of such premises in the locality will give rise to an unacceptable loss of residential amenity, by virtue of noise, smell and general disturbance associated with such premises, contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
-