

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0465/COU 18.06.2012	Tesco Stores Limited C/o DPP Consulting Limited Mr C Pickup 14 Windsor Place Cardiff CF10 3BY	Change the use from Use Class A1 to Use Class A3 takeaway Unit 4 Riverbank Court Newport Road Trethomas Caerphilly CF83 8BY

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: The application site is on the southern side of Newport Road, Trethomas, opposite the junction with Mary Street.

Site description: The host building is a vacant A1 retail unit that is part of a group of three small retail units attached to a Tesco Express. The development was only recently built and includes parking across the frontage. The other two units are occupied by a bike shop and a charity shop.

Development: Change the use from Use Class A1 to Use Class A3 takeaway.

Dimensions: The external dimensions of the property would remain unchanged.

Materials: The external finishes of the property would remain unchanged.

Ancillary development, e.g. parking: No extra parking is proposed, but there is existing parking at the front of the site.

### PLANNING HISTORY

5/5/89/0555 - Provide retail market (Thursday 9.00 a.m. to 3.00 p.m.) - Refused 22.03.90.

5/5/90/0124 - Provide used car sales - Granted 11.04.90.

5/5/90/0736 - Redevelop to form self-service petrol filling station with car wash facility - Granted 10.12.90.

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## Application 12/0465/COU Continued

5/5/90/0888 - Erect canopy fascia, car wash fascia, building fascia and pole sign - Granted 18.02.91.

5/5/91/0064 - Revoke condition (7) of application 5/5/90/0736 which restricts hours of use of car wash and petrol station - Refused 20.06.91.

5/5/92/0034 - Erect shop fascia, canopy fascia and car wash fascia - Granted 22.05.92.

P/02/0279 - Erect 1 x 48 sheet freestanding advertisement panel - Granted 13.06.02.

P/04/0522 - Erect 10 town houses - Granted 16.09.04.

P/05/0107 - Provide temporary permission to change the use from former filling station to be used for Jaguar Car Sales - Granted 11.03.05.

08/0388/RET - Retain palisade enclosure for a temporary period of six months - Granted 28.05.08.

08/0815/FULL - Erect Class A1 retail foodstore and three A1 retail units with associated car parking, access and servicing - Granted 20.08.09.

11/0600/ADV - Erect one gantry sign and three car parking signs - Granted 17.01.12.

## POLICY

### LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary and is allocated for residential purposes.

Policies: SP21 (Parking Standards), CW2 (Amenity), CW3 (Design Considerations - Highways) and Supplementary Planning Guidance LDP 5: Car Parking Standards.

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Application 12/0465/COU Continued

NATIONAL POLICY:

Planning Policy Wales (2011).  
Technical Advice Note 12: Design (2009).

ENVIRONMENTAL IMPACT ASSESSMENT

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

CONSULTATION

Transportation Engineering Manager - No objections provided the use is restricted to a takeaway only.

Head Of Public Protection - No objections subject to the hours of operation reflecting those of the neighbouring shop, and the introduction of odour control.

Police Architectural Liaison Officer - raises no objection but has concerns over the level of crime and anti-social behaviour occurring at the nearby Tesco Express, Unit 1. The addition of an A3 takeaway has the potential to increase incidents of crime and anti-social behaviour. He recommends that conditions are attached relating to the installation of a CCTV system and an alarm system.

Dwr Cymru - raises no objection subject to conditions regarding foul, land and surface water drainage and a grease trap.

Bedwas, Trethomas & Machen Community Council - raises objection on the grounds that another cafe is not needed. The proposal would be approximately 100 yards away from a cafe. There is already insufficient parking with the existing cafe.

ADVERTISEMENT

Extent of advertisement: Eleven neighbours have been notified, and a site notice posted.

Response: Four letters have been received.

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Application 12/0465/COU Continued

Summary of observations: The comments are as follows:

1. Loss of business to existing cafes.
2. There are already traffic issues relating to the current operation of the Tesco store. The additional operation of a cafe would only result in more traffic problems, dangers to local pedestrians, and parking problems.
3. The local member requests that a site visit takes place before a decision is made.

### 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? The comments of the Police Architectural Liaison Officer are reported above.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### ANALYSIS

Policies: Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 states that development proposals must ensure that the proposal has regard for the safe, effective, and efficient use of the transportation network. A shop the size of the proposed unit requires the provision of two car parking spaces and a commercial vehicle space. The proposed takeaway would require one commercial vehicle space, one space for every three members of staff, and adequate on-street parking for customers nearby. As the premises already have parking provided as part of the retail development, the takeaway parking requirement is fulfilled. The application as originally submitted was for an open A3 use, i.e. it included the potential for a cafe or restaurant. Those uses would have generated the need for significantly more on-site parking.

With regard to Policy CW2, the amenity of neighbouring residential properties must be considered. The premises are on a busy road, and next to a busy supermarket that opens until late. The increase in disturbance associated with the proposed development would not be so significant as to justify a refusal of planning permission. Hours of operation should be the same as the shops. Odour problems could also be controlled by condition.

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With regard to crime and disorder, the Police Architectural Liaison Officer has not raised any objections but has made a number of suggestions to address anti social behaviour at the premises. Those will be passed to the applicants.

Comments from consultees: The comments of the consultees are considered above.

Comments from public: With regard to the comments of the local residents and community council, the response is as follows.

1. Issues relating to competition between businesses are not a material planning consideration.
2. Parking issues are discussed above. Planning permission has already been granted for a retail development with access to the highway, and the traffic generated by the proposed development would utilise that facility.

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.
- 02) 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.
- 03) The premises shall be used for takeaway only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification without the approval of the Local Planning Authority.  
REASON: In the interests of highway safety.

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- 04) The use hereby permitted shall not be open to customers outside the following times : 0700 hours to 2300 hours.  
REASON: In the interests of residential amenity.
- 05) Prior to the commencement of the use hereby approved a grease trap shall be fitted to the drainage in a manner to be agreed with the Local Planning Authority.  
REASON: To prevent pollution.

Advisory Note(s)

1. 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: Policies CW2 and CW3.
  2. Please find attached the comments of the Police Architectural Liaison Officer and Dwr Cymru/Welsh Water that are brought to the applicant's attention.
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