

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0782/COU 01.11.2012	TJJ Properties Limited C/o Mango Planning & Development Limited Mr D Brown Number One Waterton Park Bridgend CF31 3PH	Change use to Class A1 (Retail) One Stop Food Store High Street Newbridge Newport NP11 4GU

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application premises are located on High Street, Newbridge.

Site description: Detached commercial building with associated curtilage.

Development: Change of use to A1 food sales.

Dimensions: The building measures 30 metres in width and 11.5 metres in depth.

Ancillary development, e.g. parking: 13 customer parking spaces are proposed as well as 3 staff parking spaces. Cycle parking for 2 bicycles is also proposed.

PLANNING HISTORY

2/09038 - Removal of petrol forecourt and refurbishment of car showroom - Granted 27.10.89.

2/12128 - Extension to building, extension of existing forecourt/parking area and additional use for hire of light commercial vehicles - Granted 25.01.95.

11/0941/ADV - Erect new One Stop corporate signage scheme to new development - Granted 13.04.12.

12/0018/FULL - Install new ATM machine, 12 bollards, new double automatic sliding doors and install new condenser and air condensers to the rear of the store - Not yet determined.

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Application No. 12/0782/COU Continued

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), CW16 (Locational Constraints - Retailing).

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? Not required in this case.

CONSULTATION

Transportation Engineering Manager - No objections subject to conditions concerning parking, deliveries, boundary treatment and access.

Head Of Public Protection - No objections subject to conditions concerning hours of operation, lighting, external plant, refuse compaction, lockable barriers for the parking areas, refuse disposal, ventilation and food hygiene.

Dwr Cymru – No comments.

ADVERTISEMENT

Extent of advertisement: Seven neighbouring properties were consulted and a site notice was displayed near the application site.

Response: One letter of objection was received.

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Application No. 12/0782/COU Continued

Summary of observations:

- Inadequate level of customer parking will lead to on street parking;
- Lack of operational space for delivery vehicles;
- Anti-social opening hours;
- Concern relating to vehicles accessing the site out of hours;
- Concern relating to staff having to leave the site for smoking breaks with associated litter from cigarette butts;
- Concern that if a satellite dish is installed on the premises this could block light and views to neighbouring properties;
- Alleged Japanese Knotweed on-site;
- Existing number of similar businesses in area.

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 change of use should be assessed against three criteria. The impact of the proposed use, as well as its hours of operation, on the amenity of neighbouring properties (Policy CW2 - Amenity); its impact on highway safety (Policy CW3 - Design Considerations - Highways); and the impact of the proposed use on the vitality and viability of nearby Principal Town Centres (Policy CW16 - Locational Constraints - Retailing).

Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP) states that development proposals should not unacceptably impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use should be compatible with surrounding land-uses.

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Application No. 12/0782/COU Continued

The applicant proposes to open from 06.00 - 23.00 hours Monday to Sunday. Given the close proximity of the application premises to neighbouring residential properties, and in particular the property immediately adjoining the site, No. 1 Marsh Villas, these proposed hours of operation are not considered appropriate given the proposed 06.00 opening time. Indeed, the Head of Public Protection has requested a condition restricting the hours of operation to 07.00 - 23.00 hours Monday to Sunday. It is considered that these amended hours of operation are more appropriate, and will reduce the impact of the proposed use on the amenity of neighbouring properties, and these are the standard hours of operation for such convenience stores.

As the application premises are an existing building, it is not considered that the proposal result in the overdevelopment of the site, and the applicant has made best use of the available curtilage of the site to provide the maximum level of parking provision, and operational space for deliveries to be undertaken within the curtilage of the site.

To the west of the application property is a car sales garage, to the north is an area of public open space, to the south a furniture sales shop, public house and funeral parlour, and to the east are residential properties. Therefore, the character of this area is defined by a mixture of uses, and the proposed use, i.e. A1 food sales, is considered to be an appropriate use in this locality.

Policy CW3 of the LDP states that development proposals must have regard to the safe, effective and efficient use of the transportation network; and appropriate parking, servicing and operational space is provided within the application site. The Local Planning Authority has negotiated with the applicant to increase the number of parking spaces proposed from 9 to 16 (including 3 staff parking spaces). Detailed information has also been submitted to show how delivery vehicles can access and manoeuvre within the site to ensure all deliveries are made off the public highway. This matter will also be controlled by way of a condition requiring the applicant to submit a delivery strategy plan to be agreed.

Policy CW16 states that outside the defined Principal Town Centres proposals for new retail stores will only be permitted where: the vitality and viability of nearby Principal Town Centres will not be undermined; and the proposal is a new retailing unit of 1000 sq. metres or less in size and to serve neighbourhood needs. The nearest Principal Town Centre to the application site is Blackwood Town Centre which is located over 3 kilometres away, and given the limited size of the application premises, i.e. 335 sq. m, it is not considered that the proposed use will impact on Blackwood Town Centre. Furthermore, the premises are significantly smaller than the 1000 sq. m stated in the policy, and will serve the needs of local residents.

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In light of the above considerations, the proposed change of use complies with the relevant policies contained within the Caerphilly Local Development Plan, subject to the imposition of relevant conditions.

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

Head of Public Protection raises no objection subject to conditions which are attached below where they are material planning considerations.

Dwr Cymru have no comments.

Comments from public: Inadequate level of customer parking will lead to on street parking - 13 customer parking spaces and 3 staff spaces are proposed. This level of parking is in accordance with Council Approved Supplementary Planning Guidance LDP5, Car Parking Standards (November 2010), and therefore considered acceptable.

Lack of operational space for delivery vehicles - It has been demonstrated that adequate operational space has been provided within the application site to allow delivery vehicles to enter and leave the site in a forward gear, as well as undertake all required manoeuvres off the public highway. The issue shall also be controlled by way of a condition requiring the submission and agreement of a delivery strategy plan.

Anti-social opening hours - Although the applicant proposes 06.00 - 23.00 hours Monday - Sunday, a condition will be imposed restricting the hours of operation to 07.00 - 23.00 hours Monday - Sunday, as these are typical of such convenience stores in the Borough.

Concern relating to vehicles accessing the site out of hours - If access to the car park led to anti-social behaviour associated with 'boy racers' this is a matter to be dealt with by the Police.

Concern relating to staff having to leave the site for smoking breaks with associated litter from cigarette butts - Littering can be controlled under other legislation. The amount of litter arising from a proposal such as this one would not justify a reason for refusal.

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Application No. 12/0782/COU Continued

Concern that if a satellite dish is installed on the premises this could block light and views to neighbouring properties - Whilst no satellite equipment is shown on the submitted plans, the size of such equipment that can be installed under permitted development rights would not significantly impact on the amount of light received by neighbouring properties. Loss of view is not a material planning consideration.

Alleged Japanese Knotweed on-site - No evidence of Japanese Knotweed has been observed on-site.

Existing number of similar businesses in area - Competition is not a matter to be controlled through the Planning system.

Other material considerations: A separate application (Ref: 12/0018/FULL) is also under considerations for the physical works associated with the proposed change of use, i.e. new ATM, 12 bollards, new double automatic sliding doors, air condensers.

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 building shall not be occupied until the area indicated for the parking of vehicles and cycles has been laid out in accordance with the submitted plans and those areas shall not thereafter be used for any other purpose other than the parking of motor vehicles and cycles.
REASON: In the interests of highway safety.
- 03) Notwithstanding the submitted plans, commercial trading shall not commence until after a delivery strategy plan has been submitted to and approved in writing by the Local Planning Authority. Deliveries to the premises thereafter shall be undertaken in accordance with the approved plan.
REASON: In the interests of highway safety.
- 04) Any boundary treatment fronting onto High Street shall be limited in height to a maximum of 900 mm to ensure adequate visibility is maintained.
REASON: In the interests of highway safety.

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- 05) The proposed access/egress arrangement onto High Street shall be laid out in accordance with the approved plans and constructed in materials to be agreed in writing with the Local Planning Authority prior to beneficial occupation of the development. The access/egress arrangement shall be maintained in accordance with the approved plan at all times.
REASON: In the interests of highway safety.
- 06) The development hereby approved relates to the details received on 24th January 2013 (Plan No. GA04 Rev. D) by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 07) The use hereby permitted shall not be open to customers outside the following times 0700 hours - 2300 hours, Monday - Sunday inclusive.
REASON: In the interests of residential amenity.
- 08) All deliveries must be undertaken between 0700 hours and 2200 hours Monday to Sunday but on a Sunday be limited to newspapers and bread only.
REASON: In the interests of residential amenity.
- 09) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any columns/fixtures.
REASON: In the interests of residential amenity.
- 10) Compaction is not permitted within the service delivery yard.
REASON: In the interests of residential amenity.
- 11) Details for the storage, collection and disposal of commercial waste shall be submitted to and agreed in writing by the Local Planning Authority prior to the development commencing. The agreed details shall then be implemented on the commencement of the development.
REASON: In the interests of residential amenity.
- 12) Details of a lockable barrier to the car park shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the approved use commencing.
REASON: In the interests of residential amenity.

Advisory Note(s)

Please find attached the comments of the Transportation Engineering Manager and the Head of Public Protection that are brought to the applicant's attention.

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The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: Policies CW2 and CW3.
