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**Date: 2nd September 2015**

Dear Sir/Madam,

A meeting of **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 9th September, 2015** at **5.00 pm** to consider the following agenda item, which was not included when the papers were sent to print and is now available.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## A G E N D A

6a Code No. 15/0226/COU - 55 Cardiff Road Bargoed CF81 8PA

### **Circulation:**

All Members And Appropriate Officers

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## PREFACE ITEM

APPLICATION NO. 15/0226/COU  
APPLICANT(S) NAME: Mr J Hinder  
PROPOSAL: Change the use from a florist shop to a micro-bar  
LOCATION: 55 Cardiff Road Bargoed CF81 8PA

1. This application was reported to Planning Committee on 8 July 2015 and was deferred to allow a members' site visit to take place on 22 July 2015. It was further deferred at Planning Committee on 5 August 2015 to allow further consultations to take place of residential properties in Cardiff Road that face the site.
2. Five additional properties were consulted, but no additional comments were received as a result.

Recommendation: That planning permission is granted in accordance with the recommendation in the attached report.

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## PLANNING COMMITTEE – 5TH AUGUST 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0226/COU – 55 CARDIFF ROAD, BARGOED, CF81 8PA.**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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### PRESENT:

Councillor D.G. Carter – Chair  
Councillor W.H. David - Vice Chair

Councillors D.T. Davies, A. Lewis and Mrs P. Cook

1. Apologies for absence were received from Councillors R. Gough, Mrs J. Gale and Mrs D. Price.
2. The Planning Committee deferred consideration of this application on 8th July 2015 for a site visit. Members and Officers met on site on Wednesday, 22nd July 2015.
3. Details of the application to change the use from a Florist Shop to a Micro-Bar at 55 Cardiff Road, Bargoed, CF81 8PA were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the application property is an established florist shop within the defined town centre of Bargoed and is surrounded by a variety of commercial properties, including shops, offices, restaurants and takeaway establishments. There are also a number of existing public houses and clubs in close proximity to the proposed development. Officers confirmed that the development would include the provision of a small bar area to the front of the premises, accommodating a total of four tables with chairs and a further four stools, a small darts room to the rear, with the cellar operations housed within the basement of the property. It was also noted that there was a residential unit above the retail unit and there would be no changes made to the external appearance of the building.

Reference was made to the objections raised by the Head of Public Protection and clarification was sought in this regard. The Environmental Health Officer confirmed that their objection related to the level of noise generated by both the customers and operations of the proposed micro-bar would that this would be to the detriment of the occupants of the above residential unit.

6. Concerns were expressed in relation to the hours of operation of the proposed bar and the impact this would have on neighbouring residential properties; reference was made to the concerns raised by residents in the area to the Local Ward Member. The Local Ward Member advised that as the development was situated on the fringe of the Town Centre, rather than at its core, it was much closer to residential homes and its change of use from a retail shop

use/hours to that of a bar, with its associated hours would have an unacceptable impact on residential amenity.

The hours of operation were discussed further and the Development Control Manager confirmed that these could be restricted by condition should the Planning Committee wish to do so. He also confirmed that additional conditions requiring acoustic isolation to mitigate the impact on the existing residential unit and that the basement space be kept solely for cellar use would be reasonable and could be discussed further at the next Planning Committee meeting.

7. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, no objections had been received.
8. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
9. A copy of the report submitted to the Planning Committee on 8th July 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	T. Stephens	Development Control Manager
	G. Mumford	Senior Environmental Health Officer

Appendices:

Appendix 1 Report submitted to Planning Committee on 8th July 2015

# Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0226/COU 29.04.2015	Mr J Hinder 15 The Railway Junction Ystrad Mynach Hengoed CF82 7TU	Change the use from a florist shop to a micro-bar 55 Cardiff Road Bargoed CF81 8PA

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Cardiff Road.

Site description: The application property is an established florist shop within the defined town centre of Bargoed. The property is surrounded to the north, south and west by commercial properties but it has a flat to the first floor. To the east of the site is part of the Bargoed retail development plateau. The property is two-storeys to the front with a single-storey extension that includes the majority of the existing shop unit. There are also single and two-storey extensions to the rear, which as a result of the difference in ground levels is three storeys high.

Development: The application seeks full planning consent for the change of use of the ground floor and basement of the property to a micro bar. This will include the provision of a small bar area to the front of the premises with a total of four tables with chairs and a further four stools, together with a small darts room to the rear. A cellar will then be provided in the basement. There would be no changes to the external appearance of the building.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY

14/0568/LA - Demolish 51-54 Cardiff Road and reprofile the site area to include the realignment and reconstruction of a stepped access ramp linking Cardiff Road to the rear lane (Colliers Walk) and construct a highway link road on Colliers Walk for potential future A3 retail development - Granted 10.10.14.

07/1342/FULL - Erect development of five residential apartments with four office/retail units including external and drainage works - Granted 14.12.07.

Cont....

Application No. 15/0226/COU Continued

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations: Highways), CW14 (Use Class Restrictions: Retail), CW15 (General Locational Constraints) and CM1 (Principal Town Centre Boundary).

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.

Head Of Public Protection - Considers that the proposed development will result in a nuisance as a result of noise from music and customers to the residents situated in the residential unit above the bar and as such objects to the proposal.

Licensing Section - No objection.

Dwr Cymru - No objection.

## ADVERTISEMENT

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

Cont....



Application No. 15/0226/COU Continued

Response: None.

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.

Is this development Community Infrastructure Levy liable? No.

#### ANALYSIS

Policies: The application has been considered in accordance with National Planning Guidance, Local Plan Policy and Supplementary Planning Guidance. The main point to consider in the determination of this application is whether the proposed use is acceptable in this location. In that regard it should be noted that the application site is within the Principal Town Centre for Bargoed as defined in the Caerphilly County Borough Local Development Plan. The site is also immediately adjacent to the Bargoed retail development plateau, with the buildings to the north having been demolished as part of that scheme. The Council's aim in creating this development plateau is to revitalise and regenerate the town centre and the presence of vacant units within it detracts from this aim and as such any proposal to bring a vacant unit back into beneficial use should be looked upon favourably.

The Local Planning Authority is mindful that there is a flat above the application property and that the Head of Public Protection has raised an objection to the application on the basis of the detrimental impact that the proposed use would have on that use. However it is felt that the economic benefits of allowing the A3 Use at this location outweigh the effects on amenity. It should also be noted that there are a number of other examples of public houses and clubs immediately adjacent to residential properties in Bargoed and these set a precedent for such uses in a town centre location. In conclusion it is considered that the proposal is acceptable in planning terms.

Cont....

Application No. 15/0226/COU Continued

Comments from Consultees: The Head of Public Protection has also requested that the opening hours of the use be restricted to 09.00 - 23.00 hours Monday to Saturday and 10.00 - 22.00 hours on Sundays. In town centres the hours of operation are normally restricted to 07.00 - Midnight Monday to Saturday and 07.00 hours - 23.00 hours on Sundays. If it is accepted that the use is acceptable as this is a town centre location it would be unreasonable to impose different conditions in this instance and as such it is proposed that the standard conditions should be used. No other objections were received.

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.
- 02) Prior to commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed use does not affect the residential use of the property. The required scheme shall be capable of achieving a night time internal LAeq level of 30 dB(A) in the residential part of the building. Development shall be carried out in accordance with the approved details before first use of the premises hereby approved.  
REASON: In the interests of residential amenity.
- 03) The use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to midnight Monday to Saturday, and (b) 07.00 hours to 23.00 hours Sunday.  
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions imposed on this consent: Policy CW2.



