

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0397/COU 12.06.2015	Mr I Jaura 48 Penylan Road Penylan Cardiff CF24 3PF	Change the use to a cafe/hot food takeaway on ground floor with residential flat on first floor (A2 to A3 and C3) 3 Station Terrace Caerphilly CF83 1HD

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: 3 Station Terrace, Caerphilly.

Site description: The application property is an end of terrace two storey building located at the southern end of Caerphilly town centre close to the train station. The building is stone fronted and most other elevations are rendered apart from the gable end elevation of a two storey rear projection which is a mixture of stone and brick.

To the west of the site the principal frontage of 3 Station Terrace faces onto the road, and an area of public realm works lies beyond with a public convenience block and a taxi rank. To the south is the train station and bus station with associated parking area. To the north is 1 and 2 Station Terrace which is part of the same terrace and have office/retail uses on ground floor with residential at first floor level. To the east are properties on Station Terrace which are a mixture of commercial and residential properties.

Development Description The proposed development is for a change of use from the existing office use to a cafe/takeaway at ground floor level with a new residential flat at first floor level.

The proposed ground floor layout has a waiting/dining area at the front of the unit with servery/kitchen area behind and a toilet. To the rear of the ground floor is a preparation room/cold store. The plans also show an additional entrance door to be added to serve the ground floor cafe/takeaway with a new corridor created to allow for dedicated access to the first floor flat.

The proposed first floor layout shows a two bedroom flat with kitchen, lounge and bathroom.

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Dimensions: The property is located on a corner plot and tapers in shape. It has an existing two storey rear gable projection.

Main building: The width of the property varies from approximately 5 metres on the principal elevation to 8 metres at the rear of the main part of the building. The length of the main part of the building is 7.5 metres

Rear gable projection: The rear two storey element has a footprint of 4 metres wide by 3.4 metres long.

Materials: The property is stone fronted with other elevations rendered and has concrete roof tiles.

Ancillary development, e.g. parking: A plan has been submitted identifying one parking space within a rear courtyard area behind the building.

#### PLANNING HISTORY 2005 TO PRESENT

14/0259/ADV - Display wall mounted external sign - Granted 12/08/14.

#### POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough - Local Development Plan up to 2021.

Site Allocation: The site lies within the defined settlement boundary and the Principal Town Centre Boundary of Caerphilly.

Policies: CM1 Principal Town Centre Boundaries, CW2 (Amenity), CW3 (Highways), CW14 (Use Class Restrictions - Retail), SP6 (Place making).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

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### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, but this is not a concern in this case because no buildings are proposed.

### CONSULTATION

Transportation Engineering Manager - No objection subject to a condition requiring details of car parking.

Head Of Public Protection - No objections subject to imposition of conditions.

Senior Engineer (Land Drainage) - No comments.

Dwr Cymru - No objections, provide standard advice.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 5 nearby properties.

Response: No public responses received relative to the consultation exercise. The application was requested by a Councillor to be reported to Planning Committee for consideration.

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?

It is considered that the impact on crime and disorder will be acceptable noting its location within an existing town centre.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes the appropriate amount is £3490.50.

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## ANALYSIS

Policies: The application site is located within the Principal town centre boundary as defined by Policy CM1 in the Caerphilly Local Development Plan but is sited outside of the designated Primary Retail Area. The building was last used for a use falling with Class A2 (Financial and Professional Services) of the General Permitted Development Order as a Solicitors practice. The restrictions within Local Development Plan Policy CW14 (Use Class Restrictions - Retail) relate to changes of use of ground floor units where the existing unit falls within Class A1 (Retail) uses and therefore it is considered that in this instance there is no policy objections to a change of use from Class A2 to Class A3 subject to detailed planning considerations.

The building is located close to the main shopping area and lies in close proximity to transport connections including the train station and bus station. There are commercial uses in the adjacent two units in the terrace (Mortgage Advisors and a Pet Shop) with residential usage at first floor level. In the surrounding area there is a mixture of commercial and residential uses including a number of A3 (Food and Drink) premises such as the Irish Tymes Public House, the Malcolm Uphill Wetherspoons public house, several restaurants (Algarve and Tillies) and a cafe (Tyfos).

It is considered that the proposed ground floor use as a cafe/takeaway is acceptable in principle noting the property's location within the town centre boundary albeit towards the edge of the town centre. The amenity of existing residents has been considered; however considering the scale of the use, the centralised location and existing busy character of the area, distribution of other commercial uses and proximity to transport links facilitating dispersal it is considered that the development will not lead to an unacceptable level of additional noise or disturbance. It is considered that with the imposition of conditions to require the submission of schemes for odour control and noise mitigation to the proposed first floor flat that the impact on amenity for the flat above and surrounding properties will be acceptable. It is considered that proposal accords with Policy CW2 (Amenity).

The proposed parking provision would be located to the rear of the building in an existing courtyard area shared with the neighbouring terrace properties. The parking area would be accessed from a lane to the north of the site across the adjacent courtyard area of 1 and 2 Station Terrace. The Highway Authority requested clarification in relation to vehicular access rights to the proposed parking area and the applicant has provided a letter from the neighbouring property (1/2 Station Terrace) stating that a right of way to the rear of the application property exists for the applicant. It is considered that two parking spaces would be required for the development however the area to the rear of the building is sufficient to accommodate this with some amendments to the proposed layout. It is considered that with conditions a suitable parking arrangement can be achieved. It should also be borne in mind that the existing use of the premises would have generated traffic.

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The proposed use of the first floor of the building as a residential flat has been carefully considered. The submitted plans have indicated that the flat can be served from a dedicated entrance door on the front elevation of the building separated by a new internal corridor from the proposed ground floor cafe/takeaway. The flat would have two bedrooms and it is considered that there would be sufficient privacy for the flat and it would not introduce unacceptable overlooking to any neighbouring properties. To the west of the site beyond the courtyard is number 4 Station Terrace which is an end of terrace property occupied by an accountancy firm and this building has limited fenestration on the side elevation facing the application site with no windows at first floor level.

There are limited physical changes proposed to the application property with general refurbishment works including rendering of the rear elevation. It is proposed to provide a separate front entrance door for the ground floor cafe/takeaway and on the rear facade an additional door is proposed to provide an exit route from the servery/kitchen to the rear courtyard.

Comments from consultees: The Environmental Health Officer has offered no objections in principle to the development but has requested the imposition of conditions to require restrictions on opening hours and deliveries (07:00-23:00 Monday through Sunday). This is an hour later in relation to the morning opening hours than the applicant had sought. It is also recommended that a condition should be imposed to require a scheme of control for noise to ensure that measures are secured to protect future occupiers of the flat from noise from the takeaway at ground floor level.

The Highway Authority have indicated that following confirmation from the applicant they have right of access to the area proposed for parking across the courtyard that subject to a scheme for parking being submitted which achieves two parking spaces that they have no objections to the development.

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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- 02) The ground floor cafe/takeaway use hereby permitted shall not be open to customers outside the following times 07:00 to 23:00.  
REASON: In the interests of residential amenity.
- 03) No deliveries shall be taken at or dispatched from the site outside the hours of 07:00 to 23:00.  
REASON: In the interests of residential amenity.
- 04) 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 that they relate to 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.
- 05) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:  
- Site Location Plan, received 12.06.15  
- Proposed Plans (drawing ref 879/P.02 No revision), received 12.06.15  
- Proposed Section and Elevations, (drawing no 879/P.04 No revision), received 12.06.15  
- Proposed Site Plan (drawing ref 879/P.05, No revision), received 12.06.15  
; (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.
- 06) Notwithstanding the submitted plans, the uses hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority which provide 2 off-street parking spaces within the curtilage of the site. Such provision shall be completed in accordance with the agreed details prior to the beneficial occupation of the development commencing and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety and to ensure that adequate parking facilities are provided within the curtilage of the site.

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- 07) Notwithstanding the submitted plans prior to the beneficial occupation of the first floor residential use details of boundary enclosures within the rear courtyard area shall be submitted for the written approval of the Local Planning Authority. The boundary treatments shall be erected in accordance with the approved details.  
REASON: In the interest of the visual amenity of the area and to ensure the boundary treatments do not inhibit the implementation of parking for the development.
- 08) Notwithstanding the details submitted prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.  
REASON: In the interests of public health and the amenity of the area.
- 09) 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.

Advisory Note(s)

Please find attached the comments of Dwr Cymru that are brought to the applicant's attention.

The developer is advised that in preparing the schemes for control of noise and odour advice should be sought from the Council's Environmental Health Officer (01495 235279). The scheme for control of noise should incorporate measures to protect the future occupiers of the first floor flat from noise from the takeaway at ground floor level.

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: CM1, CW2, CW3, CW14, SP6.

