

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0190/NCC 08.03.2018	Domino's & GDK Franchise C/o RPS Planning & Development Miss N Lovell Park House Greyfriars Road Cardiff CF10 3AF	Vary condition 05 of planning consent P/01/0277 (Change use to Class A3 (Pizza Parlour)) to extend the opening hours Domino's Pizza Unit 2 Piccadilly Square Caerphilly CF83 1PB

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: Domino's Pizza, Unit 2, Piccadilly Square, Caerphilly, CF83 1PB.

Site description: A commercial unit within a development of three commercial units which are located to the northern side of Piccadilly Square in Caerphilly. The unit fronts southwards onto a small car park serving the three units. There are business units immediately adjacent to the east and west of the Domino's Pizza Unit. To the rear of the application site is a small vehicular access lane with an end of terrace property (1 Heol Pontywindy) beyond. To the north-west across the access lane are residential properties within St Catherine's Court. Beyond the adjacent business units to the west are a terrace of residential properties on Mill Road. On the opposite sides of Mill Road and Pontywindy Road (which bound the southern and eastern sides of the car park) are a mixture of residential and business uses.

Development: The application seeks planning permission to vary a condition on the original planning consent (P/01/0277) for the unit in order to extend the permitted hours of operation.

The existing planning condition on permission P/01/0277 restricts hours to the following:
Not to open to customers (or for cooking or deliveries) outside of the hours:
08.00 - 23.00 Mondays to Saturdays and
09.00 - 22.00 Sundays.

This application proposes to revise opening hours to:
Not to open to customers (or for cooking or deliveries) outside of the hours:
08.00 - 00.00 (midnight) Mondays to Thursdays.
08:00 - 02:00 Friday and Saturdays.
09.00 - 00.00 (midnight) Sundays.

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Ancillary development, e.g. parking: The development is served by a small car park at the frontage.

PLANNING HISTORY 2005 TO PRESENT

14/0335/COU - Change the use to veterinary surgery with ancillary retail use. Granted 07.08.2014.

14/0390/ADV - Erect two part-illuminated fascia signs. Granted 20.08.2014.

15/0651/CLPU - Obtain a Lawful Development Certificate for the proposed use of part of the premises as a pet grooming facility. Withdrawn.

15/0784/NMA - Seek approval of a non-material amendment planning consent 14/0335/COU (Change the use to veterinary surgery with ancillary retail use) to allow a pet grooming facility to operate. Granted 13.01.2016.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary and the town centre boundary.

Policies: CM1 (Principal Town Centre Boundaries), CW2 (Amenity), CW3 (Highways), SP6 (Place making) SP10 (Conservation of Natural Heritage).

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? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

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CONSULTATION

Transportation Engineering Manager - No objection

Head Of Public Protection - Recommend temporary consent to allow for a trial run.

CADW - Advises they wish to make no comment on the application.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 41 nearby properties/premises.

Response: At the time of writing this report the consultation period had yet to elapse however one objection has been received from a Ward Councillor. Any further representations received will be reported verbally to Members at Planning Committee.

Summary of observations:

- The issue is with the delivery drivers who are speeding in and around the premises. They speed along Pontygwindy Road and Mill Road. If the hours are extended it will cause further disturbance to nearby residents.

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 not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable because no additional internal floorspace would be created.

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ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the amenity of the area.

The business is located within the Principal Town Centre as defined within the Adopted Local Development Plan Policy CM1.5 (Principal Town Centre Boundaries). The proposal is to extend the opening hours of the Pizza business for collection and delivery by one hour on Mondays to Thursdays until midnight, by three hours on Fridays and Saturdays until 2.00 a.m. and by two hours on Sundays, until midnight.

In terms of the acceptability of the impact on amenity of the proposed extended opening hours the relevant Planning Policy within the Adopted Local Development Plan is Policy CW2 (Amenity). This Policy requires within restrictive criterion (A) that "There is no unacceptable impact on the amenity of adjacent properties or land". In this respect the frontage of the Pizza business is not immediately adjacent to residential properties but there are a number of residential properties in relatively close proximity to the business.

It is noted that a Local Member has raised concerns in relation to the application, stating that delivery drivers are speeding in and around the vicinity of the business premise. The Member considers that if the hours are extended it will cause further disturbance to nearby residents. At the time of writing this report no other representations have been received in relation to the application. The neighbour notification letter consultation period has elapsed, however the consultation period for the site notice is due to expire prior to Planning Committee and therefore further representations could be received which would be reported to Planning Committee.

In relation to specific concerns expressed in relation to excess speed on the public highway, it is considered that this would be a matter for traffic enforcement/Police to enforce the existing speed limits applicable within the town centre and the adjacent areas of Caerphilly. It is highlighted that speed limits equally apply to any user of the highway, regardless of their purpose of journey or origin and where a fixed speed limit is in force, it requires adherence at all times of day and night, although it is appreciated that traffic volume would have a potential to naturally limit speeds at busy periods. In this respect any objection in relation to conduct of drivers on the public highway can only be given limited weight as a material planning consideration, as enforcement of existing speed limits within an area provide a mechanism for resolving these concerns.

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It is however considered that in approving extended opening hours there could be some adverse impacts in terms of noise and amenity from the general operation and associated activity of the business, including collections by customers from the premise at times of night after most surrounding business uses would be closed. There is potential for increased loitering from people using the business, including those on their way home from other establishments within the town centre, who may utilise the additional food offer provided by the extended opening hours. In general terms it is not anticipated there would be a high degree of likelihood of a significant adverse impact through the additional opening hours and the unit is served by a small car park at the frontage and is well related to the town centre.

The Environmental Health Officer has recommended that a 'trial run' be considered for a period of one year with the extended opening hours, which would then revert back to the existing hours. The purpose of the trial run would be to allow for the impacts on residential amenity resulting from the additional opening hours to be assessed. This would then allow for any complaints received by the Environmental Health Department during the trial period to be logged and would inform their response to any future application for a permanent extension of opening hours for the business. It is considered that a trial run would be appropriate in this instance in order for the Local Planning Authority to assess the exact effect of the extended hours of the development on the amenity of the area.

Comments from Consultees: Addressed in the body of this report.

Comments from public: Addressed in the body of this report.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

The application is recommended for approval in relation to allowing a temporary permission limited to one year to provide a trial run of the extended opening hours.

RECOMMENDATION that Permission be GRANTED

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This permission is subject to the following condition(s)

- 01) There shall be no external storage of refuse.
REASON: In the interest of visual and residential amenity.
- 02) The premises shall not be open to customers for the use hereby permitted outside of the following times 08:00 hours to 00:00 hours Monday to Thursday, from 08:00 hours to 02:00 hours Friday and Saturday and from 09:00 hours to 00:00 on Sundays. No customers shall be allowed on the premises outside of these hours. All deliveries and cooking of hot food shall cease outside of these hours.
REASON: In the interests of neighbour amenity.
- 03) The hours of operation hereby permitted shall be discontinued on or before 30th April 2019, after which the hours of operation shall revert to those specified in condition (5) of the Local Planning Authority's planning permission P/01/0277.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
- 04) The car parking area as shown on drawing number (90)110A approved under planning permission P/01/0277 shall be maintained at all times free of any obstruction for vehicle parking use only.
REASON: To ensure adequate off-street parking provision.

Advisory Note(s)

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: CW2, CW3.

