

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0972/FULL 16.12.2019	Mrs Begum 72 Broadway Adamsdown Cardiff CF24 1NH	Erect a two storey building with A3 (Food And Drink)/A2 (Financial Services) use at ground floor and first floor flat Land At 94-96 High Street Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the western side of High Street, Blackwood on its junction with Woodbine Road.

Site description: The application property is part of the site of the former Poundstretcher store on Blackwood High Street. The former store was demolished following fire damage and as such the site now comprises of a flat area with frontage onto High Street that is covered with concrete. There is a high retaining wall to the side boundary of the site onto Woodbine Road and on the rear boundary of the site onto the service yard for The Market Place. This application relates to half of the former Poundstretcher store site, immediately adjacent to Woodbine Road.

Development: The application seeks full planning consent for the erection of a new building to house an A2 (Financial and Professional Services) or A3 (Food and Drink) use on the ground floor with a one bedroom flat on the first floor. The building will have an apex roof with a shop front on the ground floor and two windows to the first floor. Access to the first floor flat will also be from the front of the building.

Dimensions: The building will be 5.6m wide by 8.7m long by 10m high.

Materials: The frontage will be finished in render with a slate roof. The shop front will be in powder coated aluminium with upvc windows to the first floor.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT

None.

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POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations: Highways), CW14 (Use Class Restrictions - Retail) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

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Paragraph 4.3.5 explains the change in nature of retailing and identifies that many retail and commercial centres will experience both growth and decline, in some retail centres it might be appropriate to identify locations for expansion whilst in others it may be necessary to identify measures to reinvigorate centres.

This is further supported by Paragraph 4.3.30 which states that although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute to its vibrancy and that policies should encourage a diversity of uses in centres.

Paragraph 4.3.33 states that

- "vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's wellbeing and success, whilst also reducing the need to travel.
- In assessing development proposals within defined centres, planning authorities should assess retail and commercial centre performance and their overall vitality and viability. This is further explained in Paragraph 4.3.36 which outlines that where premises have been vacant for some time and may undermine a centre's vitality and viability "planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels".

National Planning Guidance contained in 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? The site is within a low risk area.

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CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - Requests that the application be deferred until such time as a SAB application is submitted.

Dwr Cymru - Provide advice to be conveyed to the developer.

Strategic & Development Plans - No objection.

Ecologist -

Blackwood Town Council -

Town Centre Manager CCBC - No objection.

ADVERTISEMENT

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

Response: At the time of writing this report no comments had been received. Any comments received prior to the meeting will be brought to the attention of members orally.

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? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

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Is this development Community Infrastructure Levy liable? Yes. Whilst the total floor area of the building is less than 100 square metres it does create a new dwelling (in accordance with CIL Legislation) and as such the proposal is CIL liable.

ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks to erect a mixed use building within the Primary Retail Area of Blackwood Town Centre and the principle of a new building is considered to be acceptable. The design and scale of the building are considered to be acceptable for the site and in keeping with the street scene and there is adequate space within the site to accommodate the building. In that regard it is considered that the proposal complies with National Planning Guidance in terms of design and Policy CW2 of the LDP in terms of the amenity of the area.

Criterion C of Policy CW14 relates to new development or the change of use of ground floors within primary retail areas. The policy states that other class A uses would only be permitted where the total cumulative number of such units would not exceed 10% of the total number of commercial units within the primary retail area. There are currently 41 ground floor based commercial units within the primary retail area, of which 27 are in A1 use. This means that 34% of units currently within the primary retail area are not in A1 use. The development of this site for A2 use would increase the number of non-A1 uses within the primary retail area, and, in the strictest sense, the policy would not meet this criterion as it would exacerbate further the decline in A1 uses in the primary retail area. Notwithstanding this, it would bring back into beneficial use part of a prominent vacant site in a central location, which will help diversify the town centre and potentially increase footfall. The inclusion of first floor residential will also increase the vitality and vibrancy of uses within the town centre. In that regard it is considered that whilst the proposal does not strictly comply with this Policy it is acceptable in planning terms.

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Comments from Consultees: No objections raised. The need for SAB approval is a separate requirement under other legislation. An advisory note attached to the permission will notify the developer of that requirement.

With regard to the condition suggested by Public Health to control the hours of opening it is considered that the hours suggested would be unreasonable in this instance. Whilst it is acknowledged that there will be residential use on the first floor of the property and as such there may be noise nuisance from any A3 use. It should also be acknowledged that the application site is within the core retail area for Blackwood. A3 uses in core retail areas are normally allowed to open for longer hours than those in mixed use areas and as such it would be unreasonable to restrict the hours of this property. Moreover, it would be a matter of choice for any perspective tenant as to whether they are prepared to accept any potential harm from the A3 use. It should also be noted in this instance that a separate condition attached to the consent would require a noise insulation scheme between the floors which should mitigate a proportion of the nuisance.

Comments from public: None.

Other material considerations: None.

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.

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 development shall be carried out in accordance with the following approved plans and documents: Site Location Plan and drawing number A100.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) 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 commercial aspects of the building 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 the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 08) Prior to the development commencing on the construction of any drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) Prior to the development commencing on the construction of any drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

The premises will require registration as a food business in accordance with the provisions of Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The premises must also comply with the general hygiene requirements contained within ANNEX II of this Regulation, prior to becoming operational. The applicant is advised to contact the Food, Health & Safety Team in the Environmental Health Department, Caerphilly County Borough Council for advice, particularly regarding the internal arrangements of the kitchen prior to development. Food registration forms are available on the Caerphilly Council website and can be submitted online or downloaded.

Please also see additional comments recommended by our Food/Health and Safety Team attached for your consideration to be applied to all commercial uses.

