

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0517/COU 03.08.2020	Mr S G White 29 Waldsassen Road Pencoed CF35 5LW	Change the use of existing premises from a shop (A1) and trade counter (Sui Generis) to a tap room (A3) and microbrewery (B2) and associated works 1 Lon-Y-Twyn Caerphilly CF83 1NW

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: The application site is located on the northern side of Lon y Twyn, Caerphilly.

Site description: The site comprises a warehouse unit formerly occupied by a plumbing merchant with an area of hardstanding/parking in the east. The site is triangular in shape and measures approximately 500m<sup>2</sup> in extent with the unit comprising 284m<sup>2</sup> of floorspace. Externally, the building comprises of painted render walls with white uPVC fascia and bargeboard and double-glazed glass in uPVC frames for the entrance into the shop and trade counter. The roof comprises of corrugated sheeting. Internally, the shop and showroom takes up approximately 80m<sup>2</sup> of space, along its westernmost part with the remainder being used for the trade counter and the shop storage for goods associated with the plumbing merchant. A small kitchen and WC are positioned towards the rear of the building. The building has two distinct parts with a larger apex roofed building on the eastern side of the site with a smaller flat roofed annexe on the western part.

Pedestrian access into the unit is attained via its principal elevation off Lon y Twyn, to the south of the site. Vehicular access to the parking area is also achieved via Lon Y Twyn. The site's immediate surroundings are varied with residential dwellings positioned to the north and south, Twyn School to the east and Market Street/B4263 to the west which features a wide range of services and facilities. In regard to wider surroundings, as previously identified, Caerphilly Castle is situated approximately 150m to the west and Caerphilly Town Centre is positioned 100m to the north.

Development: This application proposes the change of use of the existing premises from a shop (A1) and trade counter (Sui Generis) to a tap room (A3) and microbrewery (B2) and associated works. In order to facilitate the proposed development minor alterations are required to the unit.

Cont....

Application No. 20/0517/COU Continued

The internal configuration of the development will comprise of the following:-

- Brewery Bar area in the western part of the building;
- Malt Store/Cold Room and Storage/Office in the northern part of the building; and
- Brewery Production area in the southern part of the building.

The front elevation will be altered to be a more contemporary design whilst retaining the overall industrial character of the unit. This will be achieved through the adoption of additional fenestration on the southern elevation and a more contemporary façade to the building.

Dimensions: Not applicable.

Materials:

- Roof: Corrugated Sheeting.
- Walls: Painted Render.
- Windows: Double Glazed Glass in Grey Aluminium Frames.
- Doors: Double Glazed Glass in Grey Aluminium Frames.
- Rainwater Goods: Black Plastic.

Ancillary development, e.g. parking: Pedestrian access will be retained via Lon y Twyn and parking will be achieved via the existing area of hardstanding positioned in the east of the site.

### PLANNING HISTORY 2010 TO PRESENT

18/0620/FULL - Demolish existing retail shop and erect residential flats - Granted - 18.04.2019.

### POLICY

Local Development Plan: Within settlement limits and within the Caerphilly Principal Town Centre (CM1.5).

### Policies

Local Development Plan: SP3 (Development in the Southern 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).

Cont....

Application No. 20/0517/COU Continued

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.

Supplementary Planning Guidance contained in The Caerphilly Basin Masterplan.

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.

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? Not applicable.

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Application No. 20/0517/COU Continued

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Town Centre Manager CCBC – No comments received.

CADW - No objection.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters.

Response: 15 letters of objection were received together with 1 letter in support.

### Summary of observations:

1. The proposed use is not suitable in such close proximity to a Primary School.
2. Anti-social behaviour from customers of the bar.
3. The proposal has been pushed through whilst the school is closed preventing the school from opposing the proposal.
4. Noise nuisance from the users of the bar and from the brewing equipment.
5. Impact on the safety of children.
6. Loss of property value.
7. Allowing this use away from the High Street will have a detrimental impact on the town centre.
8. Odour nuisance from the brewery.
9. Increased crime in the area.
10. Parking problems in the area caused by staff parking.
11. The proposed hours of operation are unacceptable.
12. The proposal will affect the already poor drainage in the area.
13. Increase in litter.
14. The highway network serving the site is not adequate to serve a brewery.
15. Loss of privacy to neighbouring dwellings from the proposed large window to the front of the building.
16. The proposal does not comply with Policy CW14 of the Local Development Plan.
17. Potential for contamination from asbestos in the building and from past industrial uses of the site.

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Application No. 20/0517/COU Continued

The letter in support states that the proposal would bring another quality drinking/eating establishment into the town centre.

### 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.

Is this development Community Infrastructure Levy liable? Yes, CIL for the retail element of the development is calculated at £25 per square metre.

### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks full planning consent for the change of use of this vacant Mixed Use A1 and Sui Generis unit within Caerphilly Town Centre to a Mixed Use A3 bar and B2 brewery. In that regard the application needs to be considered against Policy CW14 of the LDP which states:-

CW14 Development proposals incorporating a change of use from class A1 retail premises to another use will be subject to the following restrictions:

A Within identified Principal Town Centres, changes of use of the ground floors of class A1 retail premises to other uses will only be permitted where:

- i The commercial vacancy rate of the centre has been over 10% for over a year and
- ii For a change to residential use the property is located on the edge of the centre.

The Council's latest survey indicates that the vacancy rate within Caerphilly Principal Town Centre is less than 10% and as such this application does not comply with that policy. However, this survey was carried out prior to the COVID-19 lockdown and it should also be noted that the application property has been vacant for over 18 months. In addition the previous A1 use was as a plumber's merchant, which is not considered to be a traditional town centre use. In that regard it is considered that the re-use of the property would have a positive impact on the vitality of the town centre.

Cont....

Application No. 20/0517/COU Continued

It should also be noted that the Adopted Caerphilly Basin Masterplan sets out the following vision for Caerphilly:-

To develop and enhance the Caerphilly Basin as a tourist destination in its own right. Caerphilly will be a thriving, vibrant town that is well served by the Metro, with an expanded visitor and night time offer and a growing economy, set within an attractive natural environment. It will continue to be a place where businesses want to locate, develop and grow and where people want to live, work, visit and socialise. It will be a community where everyone is empowered to participate and make a difference, where local achievements are celebrated and visitors are welcomed and residents are proud to say they are from.

It also sets out the following Strategic Objectives:-

A. Enhance the retail offer in the town, build on the existing retail base and identify opportunities to develop new modern retail units to attract new retailers and opportunities to enhance the town centre offer;

B. Create a vibrant and accessible visitor destination - identify opportunities to broaden the tourism offer within the town and create a town centre that has a strong day and night time economy which is accessible by all modes of transport with clear signage and enhanced parking and cycling facilities.

The document also identifies the following opportunities:-

**Tourism:** The town's 13th Century Medieval castle is the largest in Wales and second largest in Europe, and is a significant tourist draw, attracting 130,000 visitors in 2016. However, the dwell time for visitors is low and there is significant opportunity to expand the tourism offer to increase that dwell time and increase visitor spend in the town. Caerphilly regularly hosts a number of successful events that attract visitors including the Caerphilly Food Festival, The Big Cheese and the Caerphilly 10k. There are opportunities to expand the events programme further and develop additional event space in the town.

**Night Time Economy:** Improvements to accommodation and the leisure and night time economy (including pubs, restaurants and accommodation) remain essential, coupled with ongoing town centre and environmental improvements. The clustering of these services around the key tourist hub, in this case the castle, presents an opportunity to increase the dwell time within the town.

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Application No. 20/0517/COU Continued

It is considered that this proposal would make a significant contribution to these aims by providing a new A3 use that would lead to increased dwell times within the town centre, provide an alternative to the existing offer and contribute to an improved tourism offer in the town centre for people of all ages, particularly given its close proximity to the main tourist attraction of the castle. In that regard it is considered that the potential benefits that the proposed use could have in meeting the aims and objectives above and bringing this unit back into beneficial use would outweigh the impact that the loss of the A1 use would have on the vitality and vibrancy of the town centre and as such the scheme is considered to be in accordance with the aims of the development plan in force in the area.

With regard to the impact of the proposal on the amenity of the neighbouring dwellings it should be noted that the Head of Public Health and Protection has raised no objection to the application. Noise and odour mitigation schemes have been submitted with the application and these are considered to adequately address the impacts on the area and provide sufficient mitigation to control any noise and odour nuisance from the proposal. It is also considered that the proposals would not lead to any loss of privacy or overbearing impact on the neighbouring properties and as such the proposals comply with Policy CW2 of the LDP.

With regard to the impact of the proposal on highway safety it should also be noted that the Transportation Engineering Services Manager has raised no objection to the proposal. Details have been submitted showing that adequate off street parking and service space can be provided within the curtilage of the site and this can be secured by condition and as such the proposal complies with Policy CW3 of the LDP.

Comments from Consultees: No objections raised.

Comments from public:

1. The proposed use is not suitable in such close proximity to a Primary School. There is no evidence to suggest that a brewery and bar in close proximity to a primary school would have any detrimental impact on the health or wellbeing of the children within the school. Moreover the Council's Licensing Department has controlled the hours of opening of the premises from 16.00hrs to 23.00hrs Monday to Friday and as such the premises would not be open as a Public house during normal school hours.

2. Antisocial behaviour from customers of the bar. Antisocial behaviour is a matter for the police to control and is not a material planning consideration.

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Application No. 20/0517/COU Continued

3. The proposal has been pushed through whilst the school is closed preventing the school from opposing the proposal. The Local Planning Authority has a duty to determine applications within 8 weeks of submission and has no control over the date when an application is received. The application has been advertised in accordance with legislation and the school has been given the opportunity to comment on the proposals. No such comments have been received to date but any comments received prior to committee will be reported orally to members.

4. Noise nuisance from the users of the bar and from the brewing equipment. As stated above a noise survey has been submitted with this application and it is considered that, subject to imposition of the noise mitigation measures set out in that survey, the proposal would not have unacceptable noise impacts on neighbouring properties.

5. Impact on the safety of children. There is no evidence to suggest that the safety of children would be affected by this proposal.

6. Loss of property value. Loss of property value is not a material planning consideration.

7. Allowing this use away from the High Street will have a detrimental impact on the town centre. As discussed above, the application site is within the defined Principal Town Centre and is supported by the Caerphilly Basin Masterplan. In that regard it is considered that the proposal would have a positive impact on the town centre.

8. Odour nuisance from the brewery. As stated above an odour control scheme has been submitted with the application and it is considered that this sets out adequate measures to control odours from the premises and as such it is not considered that the proposal would be unacceptable in this regard.

9. Increased crime in the area. There is no evidence to prove that this proposal would lead to increased crime in the area. Moreover, this would be a matter for the Police.

10. Parking problems in the area caused by staff parking. Adequate parking for staff and deliveries to and from the premises can be provided within the application site. In that this is a town Centre location it is expected that customers to the property would use Town Centre car parks the same as other retail uses in the area. Any unlawful parking around the site and connected with this proposal and any existing issues in the area would be a matter for the Council Civil Enforcement Officers.

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Application No. 20/0517/COU Continued

11. The proposed hours of operation are unacceptable. The application proposes the operation of the brewery from 08.00hrs to 18.00hrs Monday to Friday with no working on Saturdays, Sundays or Bank Holidays. These hours are in line with the working hours of the previous use on the site and with most other uses in the town centre and are not considered to be unreasonable in planning terms, especially given the noise mitigation measures referred to above. In respect of the operation of the bar the application proposes opening hours of 12.00hrs to 23.00hrs on all days including Bank Holidays. Whilst the Licensing Committee have restricted the hours of opening on Mondays to Fridays to 16.00hrs to 23.00hrs this application is considered under separate legislation and as such the hours applied for have to be considered unless the Local Planning Authority considers that these hours would have a detrimental impact on the amenity of the area. In that regard, and notwithstanding the objections raised it is considered that opening between the hours of 12.00hrs and 23.00hrs is not acceptable in a town centre location. It is noted that the property has residential properties to the north, east and south but the nearest of these properties is some 18m away from the proposed building with roads or parking areas in the intervening land. In that regard, it is considered that the impact of the opening hours on the amenity of the neighbouring dwellings would not be unacceptable given the town centre location of the site.

12. The proposal will affect the already poor drainage in the area. No evidence has been provided to establish that there is an issue with drainage in the area. This is an issue that would be covered under the Building regulations.

13. Increase in litter. There is no evidence to support the claim that this use would lead to an increase in litter. In any event there is other legislation in place to deal with such matters and it is not a material planning consideration.

14. The highway network serving the site is not adequate to serve a brewery. The highway network serving this site serves the town centre and also previously served the plumbers merchant who occupied the site. This is a small brewery that serves a small number of public houses and visiting members of the public and in that regard the vehicles used are not large. Details have been submitted which show that the vehicles that are used by the applicant can access and leave the site in forward gear and on that basis no objection is raised by the Transportation Engineering Services Manager.

15. Loss of privacy to neighbouring dwellings from the proposed large window to the front of the building. As stated above the nearest dwellings to this site are some 18 m away with intervening roads and parking in between. Whilst there is a large glass area proposed to the front of the building, this serves the brewery part of the building and as such it is not considered that this would have any greater impact on the privacy or amenity of the nearest residential property than persons standing on the public highway. In that regard it is not considered that the proposal would lead to an unacceptable loss of privacy in planning terms.

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Application No. 20/0517/COU Continued

16. The proposal does not comply with Policy CW14 of the Local Development Plan. This policy issue is discussed above.

17. Potential for contamination from asbestos in the building and from past industrial uses of the site. Responsibility for dealing with the removal of any asbestos lies with the developer and is not a material planning consideration. The Head of Public Health and Protection has been consulted on this application and has raised no concerns in respect of ground contamination.

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.

In conclusion it is considered that the proposed development would make a positive contribution to the vitality and viability of the town centre, complies with the aims set out in the Caerphilly Basin Masterplan and would not have any unacceptable impacts on the amenity or highway safety of the area. In that regard it is considered that the proposal is acceptable subject to the imposition of conditions.

**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, Proposed Floor Plan, Proposed Elevations, T19.136-ATR-DR-SPA1, Noise Assessment of Micro Brewery by Inacoustic, Technical Note - Highways and Transportation by Asbri Transport and Odour Control Strategy by Brewmonster.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Application No. 20/0517/COU Continued

- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 04) The A3 use hereby permitted shall not be open to customers outside the following times: (a) 12.00 hours to 23.00 hours Monday to 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.
- 05) In relation to the brewery use (Class B2) hereby approved, no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08.00 hours to 18.00 hours Monday to Friday.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with submitted plan T19.136-ATR-SPA1 to the satisfaction of the LPA, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The proposed parking and turning area shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached comments from the Council's Head of Public Protection.

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