

**Application Number:** 23/0451/COU

**Date Received:** 12.07.2023

**Applicant:** MR P Nadrajah

**Description and Location of Development:** Change the use of ground and basement floors from A3 use to retail A1 use and conversion of first floor - 54 - 56 Queens Road Elliot's Town New Tredegar NP24 6DZ

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: The site is located along Queen's Road, in Elliot's Town, New Tredegar.

Site description: The site is a two storey, corner plot structure, that benefits from a basement space to the rear due to the drop off in ground levels. The structure is currently vacant and in a poor state of upkeep. The change of use will mean minor changes to the facade of the building to replicate that of a standard shop.

Development: The proposed development is for a change of use of the building coming in two parts; the ground floor will be changing use from its current A3 lawful use to an A1 shop, and the first floor space (also currently A3) will be converting to a three bedroom flat, which falls under use class C3.

Dimensions: Not applicable.

Materials: Listed as a 'fair-faced' wall finish, with the roofing utilising 'dark grey/ coffee brown slates' and the fenestrations; 'black colour UPVC'.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT None.

### POLICY

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

Site Allocation: The site is within settlement limits.

Policies: SP1 Development Strategy - (Development within the Heads of the Valley Regeneration Area (HOVRA)), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP21 (Parking Standards), CW2 (Amenity), CW3 (Design considerations - Highways), CW5

(Protection of the Water Environment), CW15 (General Locational Constraints) together with advice contained within LDP4: Trees and Development, LDP5: Car Parking Standards and LDP6: Building Better Places to Live.

NATIONAL POLICY Future Wales: The National Plan (February 2021), Planning Policy Wales Edition 11 (February 2021) and Technical Advice Note 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not required.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site falls into an area deemed to possess 'high risk' associated with development, informative advice will be provided regarding this.

### CONSULTATION

Transportation Engineering Manager - CCBC - No objection subject to conditions.

Environmental Health Manager - No objection subject to conditions.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letter, a site notice was additionally fixed to an adjacent lamppost.

Response: One response was received however this was a summary of the neighbour consultation comments, collated and forwarded to the authority by a member of the local community.

Summary of observations: Parking- levels and possible increase.

Noise- regarding times of the shop opening.

Deliveries- concerns over stated times as well as the area of the street these will be occurring.

Potential for accidents on this portion of the road.

Residence- concerns over who will be living there.

### 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.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not liable.

## ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plans policies and supplementary planning guidance. The main issues for consideration in the determination of this application are whether the principle of the two stated changes of uses would be appropriate on this site, as well as if the adaptations to the structure visually would be acceptable and if the proposed development would unacceptably impact the adjacent highway network by virtue of increased activity and on street parking.

Policy CW2 of the Caerphilly County Borough Local Development Plan, up to 2021 (adopted in 2010), is termed 'amenity', it states that; 'Development proposals must have regard for all relevant material planning considerations in order to satisfy' certain requirements, one of these being- that 'There is no unacceptable impact on the amenity of adjacent properties or land'. The proposed development can be divided into two subsections to accurately determine the submissions compliance with this, the first is the principle of the change of use, neither the proposed change from A3 to A1 (ground floor) nor the first floor conversion into a place of residence would unacceptably impact any stakeholder's amenity.

The current lawful use of the building is that of a serviceman's club, a use that would be assumed to generate higher levels of activity and noise than that of the proposed. Environmental Health were consulted on this application and have suggested several conditions that look to limit the impact on residential amenity; The ground floor use will only be open to customers between the hours of 07.00 to 23.00 Monday to Saturday and 07.00 to 22.00 on Sundays and Bank Holidays, this is to limit potential impacts on residents by virtue of activity and noise occurring during inappropriate hours. Deliveries will be similarly limited, however between the hours of 08.00 and 20:00, with the justification to protect residential amenity, these factors have therefore been amicably controlled to where it can be confirmed that the principle of the change of use will be compliant with policy CW2 and will not give rise to any unacceptable impacts on amenity. In that regard, it is not considered that a condition restricting the use of the first floor flat to a use ancillary to the ground floor shop would be reasonable or necessary in planning terms.

It should also be noted that the Town and Country Planning (General Permitted Development) Order 1995 allows, in certain circumstances, the change of use of A3 premises to an A1 use without the need for planning consent. In that regard it should be

noted that any perceived impact from this development could occur without the need for planning consent.

The second subsection that must be assessed is the possible impacts on amenity that any physical alterations to the structure will be paired with. The submitted plans show that the physical development occurring to the structure is minimal and primarily centres around the primary fenestrations of the building, sufficiently minor in nature as to not unacceptably impact the amenity of the site nor surrounding residents. The proposed development is therefore acceptable and in accordance with policy CW2 of the Caerphilly County Borough Local Development Plan, up to 2021 (adopted in 2010).

Policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021 (adopted in 2010) is termed 'design considerations-highways', it states that; 'Development proposals must' (...) have 'regard for the safe, effective, and efficient use of the transportation network'. Correspondence was undertaken with the highways officer to determine the possible effects that the proposed change of use would have on the surrounding network, what was determined was that the proposed use (A1 ground floor) would require a minimum of two spaces for the ground floor alone. What must be noted however is that the current lawful use of the building is that of an A3 licensed premise and would hypothetically require (as per the comments) up to 31 car parking spaces, the fall back therefore is that the building could resume business as a club present day, and would be utilising a potential 29 more spaces than that of the proposed use.

The Transportation Engineering Manager has also requested that a condition be attached to any consent granted restricting the use of the first floor flat to a use ancillary to the ground floor shop. Whilst it is accepted that the flat would require 3 no parking spaces, given the decrease in parking requirements for the commercial uses as described above, there would overall be a significant reduction in the required parking levels for the proposed development and therefore such a condition again would not be reasonable or necessary in planning terms.

The proposed development therefore would be requiring less on street parking spaces than that of the current use, placing less stress on the highway network than the lawful use hypothetically could be, there is therefore no basis to state that the proposals do not have regard for the safe, effective and efficient use of the transportation network, due to the presence of the fall back and the parking that could potentially incur.

A condition has also been requested requiring the provision of bollards adjacent to the highway at the front of the site to deter parking at this location. However, it should be noted that there are double yellow lines at this location which prevent such parking and it is not for the planning system to duplicate controls under other legislation.

Having regard for the above considerations, the proposed development therefore is in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021 (adopted in 2010).

Policy SP6 of the Caerphilly County Borough Local Development Plan, up to 2021 (adopted in 2010) is termed 'place-making' it states that 'Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features' one method this can be done is through; 'a high standard of design that reinforces attractive qualities of local distinctiveness'. The proposed development is paired with minimal changes to the exterior of the structure, however it must be noted that the building is currently in a poor state of upkeep due to the lack of current use/activity it experiences, this proposal will renew the property and provide an opportunity to commence some much needed renovation to the facade and claddings. The proposed development therefore visually would be exhibiting an acceptably high standard of design and is therefore in accordance with policy SP6 of the Policy SP6 of the Caerphilly County Borough Local Development Plan, up to 2021 (adopted in 2010).

The proposed development is in accordance with policy CW2, CW3 as well as SP6 of the Policy SP6 of the Caerphilly County Borough Local Development Plan, up to 2021 (adopted in 2010) and should therefore be granted permission as per the conditions.

Comments from consultees: No objections raised.

Comments from public: Addressed in above report, it must be noted that it was a concern of residents regarding who would be living in the converted first floor space, however this is not something that can be controlled through the planning system, although it is stated within the design and access statement that the accommodation will be ancillary.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

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:  
Proposed Basement Floor Plan (ref. 102) (received 06.07.2023).  
Proposed Ground Floor Plan (ref 103) (received 06.07.2023).  
Proposed First Floor Plan (ref. 104) (received 06.07.2023).  
Proposed Elevations (ref. 105) (received 06.07.2023).  
Common Road Elevations (ref. 106) (received 06.07.2023).  
Blind Wall Side Elevations (ref. 107) (received 06.07.2023).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The use hereby permitted shall not be open to customers outside the following times: (a) 07.00 hours to 23.00 Monday to Saturday, and (b) 07.00 hours to 22.00 hours Sunday and Bank Holidays.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) No deliveries shall be taken at or dispatched from the site outside the hours of between 08:00 hours and 20:00 hours.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 05) 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 interest of public health in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 06) The proposed cycle storage areas catering for both residents of the flat, and customers of the shop, shall be completed in accordance with the submitted plans, prior to beneficial occupation of the development, and shall be maintained thereafter in perpetuity for the use of residents and customers.  
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

## Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The following advice notes have been requested via consultation with Environmental Health:

1. A sink which is provided with hot and cold water and connected to the mains drainage is required for cleaning purposes. This sink must be separate to that of the WC hand wash basin. Reason - to safeguard public health
2. An adequate number of WC's (including where necessary urinals) and hand wash basin must be provided for staff use. These must be connected to the mains drainage system. The hand wash basin must be provided with a supply of hot and cold (or suitably mixed) water. The WC cubicle(s) must be adequately ventilated by a natural or mechanical means. An intervening space must be provided between the WC and any food rooms. Reason - to safeguard public health.

3. The applicant shall take note that the premises may 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.

4. Gas fired appliances must be installed by a competent Gas Safe engineer. A certificate or report should be provided by the Gas Safe engineer to show they are in a safe, operable condition. Reason - To safeguard the residential amenity. Reason - To safeguard the residential amenity.

5. Electrical works must be undertaken by a competent person. A written report or certificate must be provided by the competent person to show the works have been completed and the electrical installation and equipment are safe for use.

6. Each bedroom will require an escape window - 'The current plans show that the bedrooms on the first-floor exit in to a lounge area that contains a cooking appliance, this can compromise the escape route in the event of a fire (which would most likely start there). So we would want to see an escape window in the bedrooms, or a kitchen fire door to separate it off'.

7. Additional smoke detectors may be required in the residential flat.