

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0654/COU 01.10.2014	William Hill Organisation Ltd C/O Nathaniel Lichfield & Partners Ltd Mr A Evans Helmont House Churchill Way Cardiff CF10 2HE	Change the use of the ground floor from Use Class A1 to Use Class A2, including erection of a new shopfront, installation of 3 no. external louvres and a satellite dish 42 Cardiff Road Caerphilly CF83 1JQ

**APPLICATION TYPE:** Change of Use

**SITE AND DEVELOPMENT**

Location: On the eastern side of Cardiff Road at the junction with Windsor Street, Caerphilly.

Site description: 42 Cardiff Road is a two-storey corner building located in a prominent location at the junction of Windsor Street and Cardiff Road within the identified Principal Town Centre of Caerphilly.

Development: Change the use of the ground floor from Use Class A1 to Use Class A2, including erection of a new shopfront, installation of three external louvres and a satellite dish.

Dimensions: External dimensions of the property would remain unchanged.

Materials: The shopfront will be constructed of powdercoated blue aluminium, the entrance door will be anodised silver and the pilasters also powder coated blue.

Ancillary development, e.g. parking: None.

**PLANNING HISTORY**

5/5/94/0072 - Provide landscape & environmental works in association with highway improvements - Granted 15.09.94.

P/00/0197 - Erect shop sign – Refused 12.06.00.

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07/1577/ADV - Erect two fascia signs - Granted 13.02.08.

14/0655/ADV - Install 2 x internally illuminated fascia sign 1x internally illuminated double sided projecting sign - Granted 24.11.14.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: Land within the settlement boundary and a principal town centre (policy CM1.5).

#### Policies:

SP5 (Settlement Boundaries), CW14 (Use Class Restrictions - Retail), CW2 (Design Considerations - Amenity) and CW3 (Design Considerations - Highways).

Supplementary Planning Guidance LDP 12 (Shop Fronts and Advertisements).

### NATIONAL POLICY

Planning Policy Wales (2014).

Technical Advice Note 4: Retail and Town Centres.

Technical Advice Note 23: Economic Development.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The property is within the Coal Authority referral area but this type of application does not require the submission of a report.

### CONSULTATION

Strategic & Development Plans - Raises no objection on balance when considering the positive benefits of the proposal against any negative impacts of the loss of an A1 use.

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Transportation Engineering Manager - Raises no objection

Head Of Public Protection - Raises no objection.

### ADVERTISEMENT

Extent of advertisement: Twelve neighbours notified, site notice posted.

Response: One.

Summary of observations: The comments of an agent representing clients within Caerphilly are as follows:

1. No objection is raised to the associated alterations at the premises with the objection confined to the proposed change of use.
2. The vacancy rate is below the threshold which would permit the change of use of A1 retail premises to other uses and has been below this threshold for at least the last 12 months.
3. The introduction of an arbitrary segmentation between Cardiff Road and Castle Court detailed in the submitted planning statement is not supported by the Council's planning policy or the Caerphilly Town Centre Action Plan which seeks to provide a less disjointed quality shopping experience through improved pedestrian links between the two shopping areas.
4. Argues that the decision whether to grant planning permission should be taken in strict accordance with planning policy unless material considerations indicate otherwise.
5. Argues that the two material considerations outlined by the applicant, namely that the loss of a retail use is preferable to a vacant unit and that the A2 use will bring an increased vitality and footfall to the town centre, are flawed and makes reference to an appeal decision which concluded that a proposed betting shop would not contribute to the vitality or interest of the area.
6. States that the proposal would increase a run of non-retail uses in Cardiff Road which would not only be contrary to planning policy but seemingly unnecessary as there are several existing non-retail permissions in the vacant units already in existence on Cardiff Road.

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7. Reference is also made to the National Planning Policy Framework.

## 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?

There are no specific crime and disorder issues in this instance.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No European protected species implications and therefore no comments required from Council's Ecologist.

## COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

## ANALYSIS

Policies: The Council's Local Development Plan 'Objective 22' seeks to "Maintain the vitality, viability and character of the County Borough's town and village centres, and re-establish them as a focus for economic activity and community pride". Key to this Objective is promoting footfall and allowing change to increase economic activity.

In assessing this application for change of use from A1 retail to an A2 use, in the principal centre, the key considerations are given to Policy CW14.

Policy CW 14 provides policy constraints that aim to maintain the character, vitality and viability of the principal town centres, through placing restrictions on changes to the use of A1 retail units to other uses, unless the centre as a whole has been subject of a vacancy rate greater than 10% over a period exceeding the previous 12 months.

In terms of Policy CW14, the last recorded vacancy rate (October 2014) is under 10%, as it was previously in October 2013. The latter year was the first year in six that it had dropped below 10%. In respect of Policy CW14, the proposal to change the use of the ground floor of the premises to an A2 use would be contrary to the policy.

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However, it is important to consider the positive effects an operating unit will have over a potentially empty unit and from this perspective consideration needs to be given to whether the unit meets the intentions of Objective 22 in promoting footfall and increasing economic activity. An empty unit does not promote footfall, whereby a unit in occupation will have benefit to some degree. In this case the proposed use is for a Class A2 use, of which the applicant has subsequently more specifically identified it as use by a betting shop. Whereas the impact on footfall generated by most A2 uses would be unlikely to be significant, it is considered that the footfall generated by a betting shop, would be of greater benefit to the vitality of the retail centre than a vacant unit.

In view of the above there are a number of key factors that are essential to determining this application:

- (a) The application is contrary to criterion a of Policy CW14 (the 10% vacancy rate referred to above);
- (b) The unit has been vacant for a period of approximately 18 months;
- (c) The unit is located in a key location within the town centre of Caerphilly;
- (d) An A2 use should be located within the town centre;
- (e) An A2 use at this key location is likely to generate more footfall than a vacant unit;
- (f) The enhancement of the shopfront will benefit the street scene, which is a material consideration;
- (g) A new unit will generate employment in the town centre;
- (h) The changing nature of our town centres during the economic downturn; and
- (i) The LDP 1st review will need to explore the way in which our town centres will diversify in the future.

The change of use is contrary to policy CW14 (criterion a). That being said, as the site has been vacant for a considerable period of time, this could highlight that the composition of retail uses along Cardiff Road is changing and this needs to be considered in light of the LDP Review.

It is acknowledged that the two other properties within this retail block are non A1 and that the change of use of 42 Cardiff Road would reflect the existing retail uses in the block.

The fact that this unit has been vacant for 18 months seems to indicate that there is currently little demand for an A1 property at this location; however, there could be other economic factors that make this property unattractive to prospective A1 retailers (e.g rates, rental values, marketing).

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Whilst the unit is vacant it does not generate any footfall within the town, however, there is likely to be an increase in footfall were the unit to be occupied.

The improvements to the shop front at this key location would improve the street scene considerably. Specifically, it will remove a run down shopfront, introduce an active frontage on this key corner building at the junction of Cardiff Road and Windsor Street and improve the street scene in general.

TAN 23 Economic Development indicates that economic aspects of all forms of development and planning decisions should be made in a sustainable manner and should balance social, environmental and economic considerations. The proposed change of use would bring a vacant property back into economic use, and create employment in the town.

On balance therefore, the beneficial economic and environmental considerations that would be realised by this property being upgraded and brought into beneficial use, outweighs the negative impact that the vacant unit has on the street scene at this prominent location. Therefore the proposed change of use is recommended for approval on this basis.

The proposed shopfront and external alterations would be in proportion to the scale of the site and their design and materials are in keeping with the surroundings. The proposed fascias and stall risers respect the scale, design and architectural features of the building as a whole, and of the adjacent properties. Therefore when considering the context of the existing property and the resulting development it is felt that the proposal would be acceptable in this instance. It should also be noted that there would be no greater impact on the amenity of the adjacent properties than the existing situation. The proposal would not result in the over-development of the site and would have no detrimental impact on the safe, effective and efficient use of the transportation network.

Comments from consultees: No objections are raised by statutory consultees.

Comments from public: The Council's response to the comments received is as follows:

Points 1-6 are addressed in the analysis above.

7. It should be noted that this is English guidance that would not apply in this case.

Other material considerations: The development is considered acceptable in all other aspects.

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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 use hereby permitted shall not be open to customers outside the following times 07:00 and 23:00 hours.  
REASON: In the interests of residential amenity.
- 03) 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(s) 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.

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.

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