

PETITION, REGIONAL ASSEMBLY MEMBER & LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00406/MNR** APPLICATION DATE: 23/02/2017

ED: **CAERAU**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ray Morgan

LOCATION: THE CAERAU, BISHOPSTON ROAD, CAERAU, CARDIFF,
CF5 5DZ

PROPOSAL: TAKEDOWN PUBLIC HOUSE BUILDING AND
CONSTRUCT THREE RETAIL UNITS WITH RELATED
CAR PARKING FACILITY

1 **BACKGROUND INFORMATION**

- 1.1 At the Planning Committee meeting on 13th September 2017 Members requested that this application be deferred so that Officers could report back with suggested reasons for refusal (included at paragraph 9.23 of this report).
 - 1.2 However, since the previous meeting amended plans have been submitted by the applicant (29th September 2017). The amended plans are shown in the report along with the previous plans.
 - 1.3 The officer report has been updated to reflect the amended plans to be considered by planning committee. Furthermore, the report includes amendments reflecting the late representations received prior to the previous Committee meeting, along with consequential changes following the amended plans and further representations received.
 - 1.4 In order to provide full transparency, the original report is also included following the potential reasons for refusal, after paragraph 10.3 of this report.
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RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:
 - 201 R7 - Proposed site plan - received 29 September 2017

- 202 R7 – Proposed elevations - received 29 September 2017
- Site location plan dated 21/02/2017.

Reason: For the avoidance of doubt as to the extent of the permission.

3. The development hereby approved shall be used only for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever.

Reason: For the avoidance of doubt and to ensure that the use does not prejudice the amenities of the area or compromise the objectives of local and national planning policy, in accordance with policies KP5, EN13 and R6 of the Cardiff Local Development Plan.

4. Notwithstanding the information submitted with the application, prior to the first occupation of the commercial units hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the building is occupied.

Reason: In the interests of visual and residential amenity and the prevention of anti-social behaviour, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

5. There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 08.00 to 20.00 Monday to Saturday and 10.00 to 16.00 on Sundays, or at any time on Bank Holidays.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

6. No member of the public shall be admitted to or allowed to remain on the premises between the hours of 23.00 and 07.00 on any day.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

7. Prior to the installation of fixed plant on the site a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Reference should be made to the report provided by Acoustics and Noise Ltd as part of the application (report reference 1706078 dated 4 July 2017), where a background noise assessment has been conducted to provide scope towards a future rating level.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff

Local Development Plan.

8. Prior to the commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall comprise proposed finished levels, hard surfacing materials, proposed and existing services above and below ground level, a scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view (if appropriate), planting methodology and aftercare methodology. The landscaping shall be carried out in accordance with the approved details.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with policy KP5 of the Cardiff Local Development Plan.
9. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with policy KP5 of the Cardiff Local Development Plan.
10. The cycle parking facilities shown on the approved plans shall be provided prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.
11. The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.
Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic, in accordance with policy T5 of the Cardiff Local Development Plan.
12. Prior to the commencement of development, details of the junction between the proposed access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented prior to the development being put into beneficial use.
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site, in accordance with policy T5 of the Cardiff Local Development Plan.

13. Prior to the construction of any part of the building above foundation level, samples of the external finishing materials 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: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The developer is advised that no surface water and/or land drainage run-off shall be permitted to connect (either directly or indirectly) with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 3: The developer may be required to contribute under sections 40 - 41 of the Water Industry Act 1991 towards the provision of new off-site and/or on-site water mains and associated infrastructure. Detailed site layout plans should be sent to Dwr Cymru Welsh Water Developer Services, PO Box 3146, Cardiff CF39 0EH.

RECOMMENDATION 4: The applicant must contact:

Wales and West Utilities,
Wales and West House,
Spooner Close,
Celtic Springs,
Coedkernow,
NEWPORT
NP10 8FZ
Tel: 029 2027 8500
www.wwutilities.co.uk

to discuss their requirements in detail before any works commence, as their apparatus may be at risk during construction works. Should diversion works be required, these will be fully chargeable.

RECOMMENDATION 5: The applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on 029 20717500.

RECOMMENDATION 6: The applicant is advised that it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible. Further information is available in the Council's "Waste Collection and Storage Facilities" Supplementary Planning Guidance.

RECOMMENDATION 7: In the interests of crime prevention and site security, it is recommended that this development be built to Police specified "Secured by Design" standards as promoted by South Wales Police. Information on these standards is available on the website www.securedbydesign.com. In particular it is recommended that: the retail units should be fitted with door sets that comply with PAS24 or security rating LPS 1175 SR1; laminated glazing to a minimum of 6.4mm should be fitted to all shop fronts in areas where persons are likely to come in contact with glazing; consideration should be given to fitting a monitored alarm system which is compliant with the latest version of the National Police Chiefs Council (NPCC) Alarms Policy; all hard landscaping features such as coping stones, pavers etc. and street furniture should be securely fixed so that it cannot be removed and used for criminal purposes; consideration should be given to the fitting of CCTV both internally and externally to identify person(s) entering or leaving the premises and to protect the shop frontage. The CCTV system should be capable of providing evidential quality imagery to at least recognition standards and be operated in accordance with the Data Protection Act. Any roller shutters (N.B. these may require planning permission) should have a minimum security rating of LPS 1175 SR1, Higher risk premises will require higher security rated shutters i.e. SR2-5. To achieve a Secured by Design accreditation it will be necessary for the applicant to meet with the South Wales Police Design out Crime officer and discuss how a safe and secure environment can be achieved.

RECOMMENDATION 6: The developer is advised that the street tree adjacent to the site on Bishopston Road will need to be protected during the full course of development by a tree protection box, details of which should be agreed with the Council prior to works commencing.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 This application is for full planning permission for the demolition of the former Caerau public house and the erection of a single storey building containing 3 commercial (A1 retail) units - 1 x 279 sq.m and 2 x 112 sq.m. The building would have a footprint of approximately 41m x 13m and a pitched roof to a

maximum height of around 6.25m. It would be finished in buff coloured facing brick with render panels to the front and side elevations and a roof covering of dark grey profiled sheeting. There would be three shopfronts of powder coated aluminium, two matching “faux” shop windows (without doors) and a cash machine (protected by bollards) to the front elevation facing towards Bishopston Road, and external plant and service doors to the rear. The roof would be gabled above each shop window in the front elevation. The gables would be finished in stained softwood panels. The building would be sited between 2.5m and 3.7m from the boundary to the rear (north) and between 6.1m and 6.6m from the eastern side boundary. Access to the service area at the rear of the units would be protected by gates. The waste bin for unit 1 would be stored within the service area, those for units 2 and 3 would be kept at the eastern side of the building, where the loading area would be located.

- 2.2 Twelve car parking spaces plus one disabled parking space would be provided within the site at the front of the units, with the vehicular entrance and exit being on Bishopston Road. There would also be a cycle parking facilities on the western side of the site, with staff cycle parking being within the secure service area.
- 2.3 Opening hours were originally proposed to be 06:00 to 23:00 daily with delivery times between 06:00 and 21:00 daily, newspapers being delivered by transit van between 04:00 and 08:00. The applicant’s agent has indicated that alternative opening hours and delivery times are acceptable, these being the subject of conditions 5 and 6 in the above recommendation. The development is expected to create at least 8 full time and 8 part time jobs (12 full time equivalent).
- 2.4 The application was originally reported to the Planning Committee on 16th August 2017 and was deferred for a site visit, which took place on 4th September 2017. It was subsequently returned to the Planning Committee on 13th September and deferred to enable officers to draft reasons for refusal based on the Committee’s objections to the proposal on the grounds that it is considered to be out of accord with LDP Policy KP5 (good quality and sustainable design) by virtue of inappropriate design, massing and bulk which is out of keeping with the character of the area and having a detrimental impact on the amenity of neighbouring properties by virtue of noise and disturbance factors. Amended plans were received on 29th September 2017 and it is these plans which are now before the Planning Committee for consideration.

3. **DESCRIPTION OF SITE**

- 3.1 The site is located at the junction of Heol Ebwy and Bishopston Road, adjacent to a roundabout, with houses to the rear and eastern side and a row of three storey shops/flats on the opposite side of Bishopston Road. The existing row of commercial premises comprises a barber shop, a betting office, a supermarket, a newsagent’s/gift shop and a fish and chip shop.
- 3.2 The building to be demolished is a two storey former public house with single storey extensions to the sides, including a bookmaker’s premises. It is bounded

by a low brick wall and railings and has a car park to the eastern side with access onto Bishopston Road. Trees overhang the site from gardens to the rear. The pub is in a poor state of repair and has been vacant for around 5 years.

4. **SITE HISTORY**

- 4.1 06/02822/W - Change of use of vacant betting shop into proposed kitchen ancillary to existing public house and alterations.
- 4.2 06/01072/W - Alterations to convert existing business premises, previously used as a bookmakers into a catering establishment (cafe/diner) mon-sat 07.00-15.00 and 17.00-19.00, Sunday 12.00 - 16.00.
- 4.3 99/01400/R - Extension to public bars including family room, disabled facilities and skittle alley.
- 4.4 98/00417/R - Refurbishment of exterior of building, internal alterations and landscaping works.
- 4.5 89/00655/R - Extension to existing bookmakers office.
- 4.6 88/02112/R - Extension to lounge bar and internal refurbishment works.

5. **POLICY FRAMEWORK**

- 5.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
R1 (Retail Hierarchy);
R6 (Retail Development - Out of Centre)
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

- 5.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, T5 and W2 and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Access, Circulation and Parking Standards (January 2010);

Infill Sites (April 2011);
Shopfronts and Signage (October 2011);

5.3 *Planning Policy Wales (November 2016):*

3.1.4: Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings,
- Play an appropriate role to facilitate sustainable building standards,
- Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding.
- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.
- Promote quality, lasting, environmentally-sound and flexible employment opportunities.
- Respect and encourage diversity in the local economy.
- Locate developments so as to minimise the demand for travel, especially by private car
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining

applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

8.1.5 Land use planning can help to achieve the Welsh Government's objectives for transport through (inter alia): reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys; improving accessibility by walking, cycling and public transport.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

10.1.4 The Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing.

10.4.1 When determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with the development plan;
- quantitative and qualitative need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;
- the sequential approach to site selection;
- impact on existing centres;
- net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of travel;
- improvements to public transport;
- impact on overall travel patterns; and
- best use of land close to any transport hub, in terms of density and mixed use.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development .

13.7.1: planning decisions should take into account the potential hazard that contamination presents to the development, occupants and the local environment, and the results of specialist investigation and assessment by the developer to determine contamination and identify remedial measures.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise.

5.4 *Technical Advice Note 4 – Retail and Commercial Development (2016).*

5.5 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

5.6 *Technical Advice Note 12 - Design (March 2016).*

5.7 *Technical Advice Note 23 – Economic Development (Feb 2014).*

6. **INTERNAL CONSULTEE RESPONSES**

6.1 *Transportation:* No objections. Standard conditions on retention of parking spaces, provision of cycle parking and approval of access junction details recommended.

6.2 *Pollution Control (Noise & Air):* There has been no supporting evidence provided with regards to the potential impacts of deliveries at the proposed site. Until such time that supporting evidence can be provided pollution control would only support delivery times of 08.00 till 20.00hrs Monday to Saturday and 10.00 till 16.00hrs on Sundays, with no deliveries to take place on Bank Holidays. The opening hours of the premises would need to be 07.00 till 23.00hrs. With regard to the noise assessment for the potential fixed plant at the site, I have read the report and I am happy with its findings. I note the difficulty for the consultant to provide specifics for individual units at this stage as they have not been provided with any details in relation to the specification of the plant work on the site. As such, a condition is recommended.

6.3 *Waste Strategy & Minimisation Officer:* Plans indicating the proposed bin stores have been noted and are acceptable. Refuse storage must thereafter be retained for future use. As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

7. **EXTERNAL CONSULTEES RESPONSES**

7.1 *Police Crime Prevention Design Advisor:* South Wales Police have no objection to this development subject to consideration of recommendations relating to opening hours restrictions for any A3 use, security specifications for doors, windows and (if necessary) roller shutters, alarm systems, CCTV, boundary treatment and landscaping. South Wales Police would advise that the development should be built to a standard to achieve a Secured by Design accreditation. There are concerns that if the gable end is to be without doors and windows the building could be vulnerable to anti-social behaviour such as ball games or graffiti. If the gable end is to be windowless then it will be necessary to install a defensible space between the public area and the

building to reduce the chances of anti-social behaviour. Consider planting thorny shrubs within the space to prevent persons approaching the wall.

7.2 *Welsh Water:* No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. A water supply can be made available.

7.3 *Wales & West Utilities:* Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

8. **REPRESENTATIONS**

8.1 The application and the amended plans were advertised by site notice and neighbour notification. 6 individual representations were received opposing the original application (and June 2017 amendments) for the following reasons:

1. There is no need for any more retail outlets in this area – affordable housing would be preferable;
2. The development would result in job losses from the existing shops across the road;
3. The Council will lose revenue if the existing shops close;
4. Long opening hours, noise and anti-social behaviour could cause disturbance to neighbouring residents
5. There will not be enough parking spaces for employees and customers.
6. The location of the delivery bay may not be safe/feasible as cars park on both sides of the road.

8.2 Following the advertisement of the original application a petition of around 700 signatures was received, objecting to the application for the following reasons:

1. There will be a return to the anti-social behaviour that led to the closure of the pub;
2. The community would support the demolition of the pub and its replacement with affordable housing;
3. There is a risk that the existing businesses across the road will suffer – these businesses employ a significant number of local people.

8.3 Following advertisement of the amended plans received on 29th September 2017, 3 individuals (2 of whom had objected to the original application) reiterated previous concerns and put forward the following additional points of objection:

1. The proposed business is likely to be uneconomical – the new building

- would therefore remain vacant and attract anti-social behaviour;
2. To be feasible the new business would have to dramatically increase footfall in the area – this will create safety issues as more cars will be parked on the roads – there will be more children in the area after the new school opens.
 3. Delivery vehicles will cause noise nuisance.

8.4 Councillors Peter Bradbury and Elaine Simmons objected to the original application as follows:

“We are very unhappy that this application is talking about three retail units, which is in direct opposition to the Council’s own retail units in Bishopston Road. Indeed, we were assured that the Caerau Public House was being bought for much needed housing units, which is something we would support. The application talks about creating local jobs. There is no mention of the effect this application will have on Shads Store and Ely Racecourse News, which could close if this application goes ahead with the loss of lots of local jobs. These are two business that have restrictive and protected leases from the Council. There is no doubt that this is in a saturation zone and would be against the Council’s own economic benefit, given the adverse effect this would have on its own units directly opposite the site of this application. We would also be worried about the potential for antisocial behaviour, given a further retail unit would no doubt be looking to serve alcohol and would cause some worry for the local police given the reasons the Caerau Public House closed and the historic problems in that area. We would request that this be rejected on these grounds and we will not in any way be changing our position that this application is wrong for local businesses in Caerau, wrong for the people of Caerau, and is something that would not be welcomed.”

8.5 After the first set of amended plans were received in June 2017 they stated that their objections still stand as no attempt had been made to address their concerns or those of the shopkeepers and residents who signed the petition, and they were annoyed that no attempt had been made by the developer to look at a residential option when they are in dire need of new homes in the area. Councillors Peter Bradbury and Elaine Simmons requested that the Planning Committee visit the area before making any decision.

8.6 Following the receipt of the latest set of amended plans in September 2017 they have reaffirmed their opposition to the proposals. They are concerned that there appear to have been no material changes made to the application: the design has not changed and still looks out of place in the general locality. They indicate that the “SPG on Design” allows the Committee to reject a design if it does not fit in with the locality of the area and quote the following extract (which is from a draft (May 2016) version of the Cardiff Residential Design Guide SPG)-

“Good designs recognise the individuality of a place, and either tailor standard solutions or create particular and original architecture for a site. We will, in particular, resist developments that make excessive or inappropriate use of standard building types which dominate the form and character of a scheme, and in particular in important locations in a residential area which have been

highlighted as requiring special treatment in thinking about key nodes or areas of special townscape treatment. We will support schemes that are informed by a thorough character analysis of the context and site, although this does not mean we expect designs to mimic those within the context. We will support the use of standard building types where they are used and adjusted to suit their position in a carefully conceived layout and townscape. We welcome innovation in the design of homes where an awareness of context has been demonstrated.”

- 8.7 Councillors Peter Bradbury and Elaine Simmons go on to state that: “this is a brick front that is designed to allow three commercial units in the middle of a largely residential area. This is not good design and we can reject it on this basis particularly when the applicant is demolishing one building to replace it with another. The agent has stated in their letter that there would be less noise under this scheme. That is frankly laughable. The agent is suggesting that a public house that has been closed for three years and has not been in use would create more noise than an application that allows for lorries to come down a largely residential area seven days a week. The concerns of the Committee have not been addressed by the applicant. The agent states in the letter that the Committee’s concern about the use of lorries is addressed in conditions of the report. However, having been on the site visit, the Committee were perfectly clear that they agreed with us that the conditions would not suitably address this situation and that they didn’t agree with Highways’ assessment. These are legitimate concerns that aren’t addressed by the conditions in the report and are grounds for refusal. We are both unhappy with the terminology used in the final paragraph of the agent’s letter. This committee does not need reminding of its civic and regulatory duties when it comes to this planning application. They have been out and seen the site, they have listened to concerns of residents and us as ward members. 700 people have signed a petition asking for this to be refused. We ask that their views are continued to be taken into account when determining this application.”
- 8.8 Neil McEvoy, Regional Assembly Member for South Wales Central, objected to the original application, stating that “there is great concern that there will be retail saturation and the development is not supported by local people. The area is already served with shops. Affordable housing would be a much more sensible use of the site, which I would support.”
- 8.9 Mark Drakeford AM (Cardiff West) and Kevin Brennan MP (Cardiff West) oppose the application and have submitted the following comments: “We are concerned about the impact that the proposed new shops would have on the existing businesses directly opposite the site, on Bishopston Road. We were pleased to hear that a site visit has taken place and that committee members will have had an opportunity to see and hear for themselves the detrimental impact that this application, if granted, would have on local amenities.”

9. **ANALYSIS**

- 9.1 The site is located in the settlement boundary as defined by the LDP proposals map. It has no specific designation or allocation but falls within a largely

residential area. The application site is in an out-of-centre location in terms of retail policy.

- 9.2 Planning Policy Wales Edition 9 (November 2016) states that planning applications for out-of-centre retail developments should be assessed in relation to:
- Compatibility with a Community or up-to-date Development Plan Strategy;
 - Consideration of need;
 - the sequential approach to site selection;
 - impact on existing centres;
 - net gains in floorspace where redevelopment is involved;
 - rate of take-up of allocations in any adopted development plan;
 - accessibility by a variety of modes of travel;
 - improvements to public transport;
 - impact on overall travel patterns; and
 - best use of land close to any transport hub, in terms of density and mixed use.
- 9.3 The aim of national retail planning policy is to protect and enhance the vibrancy, attractiveness and viability of existing centres as well as contributing to an increase in linked trips and a reduction of travel demand
- 9.4 The stated aim of Local Development Plan policy relating to retail development (policy R6) is to control the nature and size of out- of-centre retail development so as to minimise competition with, and impact on the vitality and viability of shopping centres identified in the Plan.
- 9.5 Policy R6 only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-
- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
 - (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;
 - (iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
 - (iv) The site is accessible by a choice of means of transport; and
 - (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.
- 9.6 Paragraph 5.285 of the LDP supporting text states “ this Policy contributes to protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities.”
- 9.7 Whilst the applicants have not supplied a retail statement in support of their

application, it is recognised that Planning Policy Wales Technical Advice Note 4 requires such statements for out of centre retail floorspace of 2500sq m and over. The TAN also states that it may be necessary for such assessments for some smaller developments; however, the reason for the threshold is that small stores are not likely to have any material negative effect on shopping patterns in the catchment. The application proposals relate to the development of 3 small retail units totalling 503sq m. As such the proposal is just 20% of the floorspace TAN4 envisages would trigger the need to undertake a retail impact assessment. In addition, it should be noted that the site is currently occupied by a vacant pub (with a ground floor area of 501 square metres and first floor area of 98 square metres) which could convert to A1 retail use without the need for planning permission.

- 9.8 Given the scale, nature and location of the proposal, i.e. 503sqm of retail floorspace located on the site of a vacant public house some distance from the nearest designated centres at Grand Avenue and Wilson Road, it would be very difficult to argue that the proposed retail floorspace would have an adverse impact on any designated centre. Whilst there may be some trade diversion from the parade of shops opposite the application premises, this parade of shops is not located in a designated centre and is therefore not afforded any planning policy protection. As stated in paragraph 5.285 of the LDP supporting text, the purpose of policy R6 is to contribute to “protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities” and not to protect other out-of-centre retail facilities. Moreover, as competition between businesses is not a legitimate planning matter, the impact on these shops is not a material consideration in the determination of this application. The application therefore raises no land use policy concerns.
- 9.9 Consideration must also be given to the impact of the proposed development on visual and residential amenity. The appearance of the development is considered acceptable: the retail units will replace a dilapidated and unsightly building with a more coherent and attractive development and the proposed materials (buff brick and render walls and grey profile sheeting roof with aluminium shopfronts) are appropriate for a commercial development in this location, where there are buildings of varying styles and materials.
- 9.10 The proposed building will be around the same distance from the rear boundary as the existing building, will be single storey only and will have no windows facing towards any adjacent residential property. It will be at an adequate distance from the houses to the north and the east to cause no unacceptable overshadowing and will not appear overbearing.
- 9.11 The shop units will be closer to the side boundary of the rear garden of 112 Bishopston Road than is the existing public house; however, there will still be a gap of at least 6.1m between the new building and the boundary, the new shop units will be set back from the highway and will not obscure the side elevation of no. 112 (where there is a window) and the new units will be single storey and will have no entrances or windows in the side elevation. Therefore it is not considered that there will be any significant loss of amenity to residents of no

112 in terms of overshadowing, overbearing or loss of privacy.

9.12 There will be external plant to the rear of the building and a loading/unloading bay to the eastern side. Planning conditions will therefore be needed to ensure that noise from these areas does not adversely affect neighbouring residents. A noise report has been submitted by the applicant and, based on this, Pollution Control officers have recommended a suitable condition that will control the noise emitted by fixed plant and equipment. Noise from loading/unloading activities, and from customers visiting the site, can be controlled by limiting the hours of operation.

9.13 With regard to the objections (which are detailed in section 8 of this report):
Objections at paragraph 8.1:

1. The application site is not allocated in the LDP for housing development (or for any other alternative use) and there are no land use policy objections to the proposed retail use. In this case it is not considered reasonable to insist that the applicant proves a need for the development given that the proposal is on such a small scale that it will have no adverse impact on any existing, designated centres and that the site is currently occupied by a public house (albeit unused at the moment) which could change to A1 retail use at any time without the need for planning permission and which has more or less the same amount of ground floor floorspace as the proposed building.

It would be unreasonable for the Council to refuse planning permission on the basis that surrounding residents may prefer an alternative use.

2. It is not certain that jobs would be lost from the existing shops, and the proposed units will generate employment opportunities. According to additional information submitted by the applicant along with the amended plans, any loss of jobs from the existing convenience store on Bishopston Road would be compensated for by the c.12 jobs created by the development (the applicant also states that this is a conservative assumption as the Homes and Communities Agency's "Employment Density Guide, 3rd Edition" (November 2015) confirms that this type of retail development employs 1 member of staff (Full Time Equivalent) per 15-20 sq.m NIA, therefore the development would be expected to create 21-28 FTE posts.) In any case, the planning system is not permitted to interfere in the matter of competition between businesses therefore it would be unreasonable to refuse planning permission on these grounds.

3. This is not a material planning consideration. It would be unreasonable for the Council to refuse planning permission for a development that was otherwise acceptable on the basis that the Council itself could lose revenue as a result of the decision.

4. South Wales Police have raised no objections to this application but have provided advice on security measures. The Police advise that opening hours should be restricted for any A3 (food and drink) use; however, further planning permission would be needed for such a use as

the development is currently proposed to comprise A1 (retail) units. The sale of alcohol is controlled by licensing laws, which are separate from planning permission, noise from the units would be controlled by Environmental Health legislation and any anti-social behaviour would be a matter for the police.

5. Twelve car parking spaces plus one disabled parking space and cycle parking facilities for staff and customers will be provided within the site. This accords with the most up to date Council guidelines (contained in the Access, Circulation and Parking Standards Supplementary Planning Guidance) and Highways/Transportation officers have raised no concerns.
6. Highways/Transportation officers have no objections to the location of the delivery bay in terms of its feasibility and safety.

9.14 Objections in paragraph 8.2:

1. As mentioned above, anti-social behaviour would be a matter for the police (who have not objected to this application) and it cannot be assumed that the development would result in an increase in such behaviour.
2. The Council is obliged to consider this application and cannot insist on an application being made for affordable housing. As stated above, the application site is not allocated in the LDP for housing development (or for any other alternative use), there are no land use policy objections to the proposed retail use and there is no requirement to prove a need for such a small scale development.
3. The existing shops are not within a designated district or local centre, therefore they enjoy no protection in land use policy terms and, also given that the planning system is not permitted to interfere in the matter of competition between businesses, it would be unreasonable to refuse planning permission on these grounds. The new units will provide employment for local people and it is not necessarily the case that the existing businesses will be damaged.

9.15 Objections at paragraph 8.3:

1. In cases where there are no land use policy objections to a development such as this it is not necessary for an applicant to prove that it will be viable before planning permission can be granted. There is already a vacant building on the site which could attract anti-social behaviour.
2. Off-street parking facilities will be provided. Illegal parking or dangerous use of the highway is not a planning matter but is dealt with under other legislation; however, there is no evidence to suggest that the proposed development would lead to such behaviour. Highways/transportation officers have considered this application and raise no concerns regarding highway or pedestrian safety.
3. Delivery times can be restricted by a planning condition to prevent delivery vehicles accessing the site at unsociable hours when noise might affect neighbouring residents. Currently there are no restrictions on delivery times to the application site (which could re-open as a public

house, other class A3 use such as hot food takeaway or restaurant or class A1 retail use without the need for planning permission), or to the other businesses on Bishopston Road.

- 9.16 The objections received from Councillors Peter Bradbury and Elaine Simmons, and from Neil McEvoy AM, Mark Drakeford AM and Kevin Brennan MP, which relate to the preference for housing development, impact on local jobs, impact on existing businesses, loss of Council revenue and antisocial behaviour, are addressed in the paragraphs above.
- 9.17 With regard to Councillors Peter Bradbury and Elaine Simmons' comments received following the receipt of the amended plans in September 2017, I would comment that the applicant has made material changes to the design of the building in an attempt to address concerns that were raised by the Planning Committee at the Committee meeting on 13th September. Additional window features and rendered panels have been proposed for the front elevation, reducing the amount of blank wall space, and timber-clad gables have been added above the shopfronts, providing additional variety in the design of the building. It is not necessary in this case for the building to closely resemble adjoining developments as this is not a conservation area (where the preservation or enhancement of the area's existing character would be paramount) nor is it in the vicinity of any listed buildings. There is already a great deal of variety in the scale and appearance of buildings in this area and the proposed development would not appear out of place. The design of the building, as amended, is still considered to be appropriate to the site.
- 9.18 It should also be noted that the paragraph from the "SPG on Design" which is quoted in the Councillors' objection is taken from a May 2016 draft version of the Cardiff Residential Design Guide SPG which is not considered relevant to this proposal as that particular SPG relates specifically to "major residential development proposals providing 10 dwellings or more and which require a Design and Access Statement" and, furthermore, it has been superseded by the adopted (2017) version of the Cardiff Residential Design Guide in which that particular paragraph has been amended.
- 9.19 The "brick front" which the Councillors mention will reflect the building materials used in the surrounding area (including the adjacent houses) and there are no planning objections to allowing commercial units on this site as it is already in commercial use – planning permission for change of use of the site is not required.
- 9.20 The concerns regarding noise are considered to have been addressed: whilst it is the case that the public house currently creates no noise because it is closed, the fact remains that a public house (or other class A3 or class A1 use) could re-open here without the need for planning permission and with no restrictions on opening hours, delivery times or plant noise. Restrictions can be placed on the planning permission for a new building which will control the opening hours, delivery times and plant noise. Lorries can already "come down a largely residential area seven days a week" to make deliveries to the existing commercial premises. The suggested condition restricting delivery times would

not permit lorries to deliver to this site outside the hours of 08.00 to 20.00 Monday to Saturday and 10.00 to 16.00 on Sundays, or at any time on Bank Holidays.

- 9.21 With regard to the comments relating to the final paragraph of the agent's letter, it is clear that the applicant will appeal against any refusal of planning permission and the Committee should therefore ensure that any refusal is based on sound planning reasons - the Committee is reminded of paragraph 3.1.4 of Planning Policy Wales which states that: *While the substance of local views must be considered, the duty is to decide each case on its planning merits.* The Welsh Government's Development Management Manual (Section 12 Annex: Award of Costs, paragraph 3.9) advises that: "Local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority."

9.22 Conclusion

In conclusion, it is considered that there are no reasonable grounds for refusal of planning permission for this proposal, as amended, and approval is recommended subject to the conditions set out above

- 9.23 However, if the Committee does not consider that the amended plans have addressed the concerns relating to design and impact on residential amenity which were expressed at the Planning Committee meeting of 13th September 2017 and is minded to refuse the application, the following could potentially form reasons for refusal:

1) The external appearance, massing and bulk of the development would appear as a visually incongruous feature out of keeping with the character and context of the local area, contrary to policy KP5(i) of the Cardiff Local Development Plan.

2) The proposal is contrary to policy KP5(x) of the Cardiff Local Development Plan in that it would be detrimental to the amenities of neighbouring properties by reason of noise and disturbance generated by activities at the premises, by customers visiting the premises and by delivery vehicles arriving at and leaving the premises.

10. **OTHER CONSIDERATIONS**

10.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant

or unacceptable increase in crime and disorder as a result of the proposed decision.

10.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

10.3 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

APPENDIX 1

Officer Report considered at the Planning Committee meeting on 13/09/17:

PETITION, REGIONAL ASSEMBLY MEMBER & LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 13/09/2017

APPLICATION No. **17/00406/MNR** APPLICATION DATE: 23/02/2017

ED: **CAERAU**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ray Morgan

LOCATION: THE CAERAU, BISHOPSTON ROAD, CAERAU, CARDIFF,
CF5 5DZ

PROPOSAL: TAKEDOWN PUBLIC HOUSE BUILDING AND
CONSTRUCT THREE RETAIL UNITS WITH RELATED
CAR PARKING FACILITY

RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:
 - 201 R4 - Proposed site plan - received 19 June 2017
 - 202 R4 – Proposed elevations - received 19 June 2017
 - Site location plan dated 21/02/2017.

Reason: For the avoidance of doubt as to the extent of the permission.

3. The development hereby approved shall be used only for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever.

Reason: For the avoidance of doubt and to ensure that the use does not prejudice the amenities of the area or compromise the objectives of local and national planning policy, in accordance with policies KP5, EN13 and R6 of the Cardiff Local Development Plan.

4. Notwithstanding the information submitted with the application, prior to

the first occupation of the commercial units hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the building is occupied.

Reason: In the interests of visual and residential amenity and the prevention of anti-social behaviour, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

5. *There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 08.00 to 20.00 Monday to Saturday and 10.00 to 16.00 on Sundays, or at any time on Bank Holidays.
Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.*
6. *No member of the public shall be admitted to or allowed to remain on the premises between the hours of 23.00 and 07.00 on any day.
Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.*
7. *Prior to the installation of fixed plant on the site a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Reference should be made to the report provided by Acoustics and Noise Ltd as part of the application (report reference 1706078 dated 4 July 2017), where a background noise assessment has been conducted to provide scope towards a future rating level.
Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.*
8. *Prior to the commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, these details shall include the provision of an area of thorny shrubs within the space adjacent to the western side gable wall (and relocation of the cycle parking spaces from this area) and shall comprise proposed finished levels, hard surfacing materials, proposed and existing services above and below ground level, a scaled planting plan, plant schedule, topsoil and subsoil specification (to include a basic soil assessment if existing in situ soils are to be used, and if soils are to be imported, confirmation through BS 3882:2015 and BS 8601:2013 certification that the imported planting soils will be fit for purpose), tree pit section if appropriate, planting methodology and aftercare methodology. The landscaping shall be carried out in accordance with the approved*

design and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to reduce opportunities for crime, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

9. *Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.*

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to reduce opportunities for crime, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

10. *Notwithstanding the details of cycle parking facilities shown on the submitted plans, prior to the commencement of development details showing the provision of cycle parking spaces to the front of the building shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.*

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

11. *The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.*

Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic, in accordance with policy T5 of the Cardiff Local Development Plan.

12. *Prior to the commencement of development, details of the junction between the proposed access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented prior to the development being put into beneficial use.*

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site, in accordance with policy T5 of the Cardiff Local Development Plan.

13. *Prior to the construction of any part of the building above foundation level, samples of the external finishing materials 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: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The developer is advised that no surface water and/or land drainage run-off shall be permitted to connect (either directly or indirectly) with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 3: The developer may be required to contribute under sections 40 - 41 of the Water Industry Act 1991 towards the provision of new off-site and/or on-site water mains and associated infrastructure. Detailed site layout plans should be sent to Dwr Cymru Welsh Water Developer Services, PO Box 3146, Cardiff CF39 0EH.

RECOMMENDATION 4: The applicant must contact:

Wales and West Utilities,
Wales and West House,
Spoooner Close,
Celtic Springs,
Coedkernow,
NEWPORT
NP10 8FZ
Tel: 029 2027 8500
www.wwutilities.co.uk

to discuss their requirements in detail before any works commence, as their apparatus may be at risk during construction works. Should diversion works be required, these will be fully chargeable.

RECOMMENDATION 5: The applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law

(Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on 029 20717500.

RECOMMENDATION 6: *The applicant is advised that it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible. Further information is available in the Council's "Waste Collection and Storage Facilities" Supplementary Planning Guidance.*

RECOMMENDATION 7: *In the interests of crime prevention and site security, it is recommended that this development be built to Police specified "Secured by Design" standards as promoted by South Wales Police. Information on these standards is available on the website www.securedbydesign.com. In particular it is recommended that: the retail units should be fitted with door sets that comply with PAS24 or security rating LPS 1175 SR1; laminated glazing to a minimum of 6.4mm should be fitted to all shop fronts in areas where persons are likely to come in contact with glazing; consideration should be given to fitting a monitored alarm system which is compliant with the latest version of the National Police Chiefs Council (NPCC) Alarms Policy; all hard landscaping features such as coping stones, pavers etc. and street furniture should be securely fixed so that it cannot be removed and used for criminal purposes; consideration should be given to the fitting of CCTV both internally and externally to identify person(s) entering or leaving the premises and to protect the shop frontage. The CCTV system should be capable of providing evidential quality imagery to at least recognition standards and be operated in accordance with the Data Protection Act. Any roller shutters (N.B. these may require planning permission) should have a minimum security rating of LPS 1175 SR1, Higher risk premises will require higher security rated shutters i.e. SR2-5. To achieve a Secured by Design accreditation it will be necessary for the applicant to meet with the South Wales Police Design out Crime officer and discuss how a safe and secure environment can be achieved.*

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 *This application is for full planning permission for the demolition of the former Caerau public house and the erection of a single storey building containing 3 commercial (A1 retail) units - 1 x 279 sq.m and 2 x 112 sq.m.. The building would have a footprint of approximately 41m x 13m and a pitched roof to a maximum height of around 6.25m. It would be finished in buff coloured facing brick with render panels to the front and side elevations and a roof covering of dark grey profiled sheeting. There would be three shopfronts of powder coated aluminium and a cash machine (protected by bollards) to the front elevation facing towards Bishopston Road and external plant and service doors to the rear. The building would be sited between 2.5m and 3.7m from the boundary to the rear (north) and between 6.1m and 6.6m from the eastern side boundary.*

Access to the service area at the rear of the units would be protected by gates. The waste bin for unit 1 would be stored within the service area, those for units 2 and 3 would be kept at the eastern side of the building, where the loading area would be located.

- 1.2 Twelve car parking spaces plus one disabled parking space would be provided within the site at the front of the units, with the vehicular entrance and exit being on Bishopston Road. There would also be a cycle parking facility on the western side of the building.
- 1.3 Opening hours would be 06:00 to 23:00 daily. Delivery times are proposed to be 06:00 to 21:00 daily, with newspapers expected to be delivered by transit van between 04:00 and 08:00. The development is expected to create 8 full time and 8 part time jobs (12 full time equivalent).
- 1.4 The application was originally reported to the Planning Committee on 16th August 2017 and was deferred for a site visit, which took place on 4th September 2017.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located at the junction of Heol Ebwy and Bishopston Road, adjacent to a roundabout, with houses to the rear and eastern side and a row of three storey shops/flats on the opposite side of Bishopston Road. The existing row of commercial premises comprises a barber shop, a betting office, a supermarket, a newsagent's/gift shop and a fish and chip shop.
- 2.2 The building to be demolished is a two storey former public house with single storey extensions to the sides, including a bookmaker's premises. It is bounded by a low brick wall and railings and has a car park to the eastern side with access onto Bishopston Road. Trees overhang the site from gardens to the rear. The pub is in a poor state of repair and has been vacant for around 5 years.

3. **SITE HISTORY**

- 3.1 06/02822/W - Change of use of vacant betting shop into proposed kitchen ancillary to existing public house and alterations.
- 3.2 06/01072/W - Alterations to convert existing business premises, previously used as a bookmakers into a catering establishment (cafe/diner) mon-sat 07.00-15.00 and 17.00-19.00, Sunday 12.00 - 16.00.
- 3.3 99/01400/R - Extension to public bars including family room, disabled facilities and skittle alley.
- 3.4 98/00417/R - Refurbishment of exterior of building, internal alterations and landscaping works.
- 3.5 89/00655/R - Extension to existing bookmakers office.

3.6 88/02112/R - Extension to lounge bar and internal refurbishment works.

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
R1 (Retail Hierarchy);
R6 (Retail Development - Out of Centre)
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, T5 and W2 and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Access, Circulation and Parking Standards (January 2010);
Infill Sites (April 2011);
Shopfronts and Signage (October 2011);

4.3 *Planning Policy Wales (November 2016):*
3.1.4: Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings,*
- Play an appropriate role to facilitate sustainable building standards,*

- *Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness*
- *Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Promote quality, lasting, environmentally-sound and flexible employment opportunities.*
- *Respect and encourage diversity in the local economy.*
- *Locate developments so as to minimise the demand for travel, especially by private car*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides.*

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- *the numbers and types of jobs expected to be created or retained on the site;*
- *whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;*
- *a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.*

8.1.5 Land use planning can help to achieve the Welsh Government's objectives for transport through (inter alia): reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys; improving accessibility by walking, cycling and public transport.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

10.1.4 The Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible,

retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing.

10.4.1 When determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with the development plan;*
- quantitative and qualitative need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;*
- the sequential approach to site selection;*
- impact on existing centres;*
- net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience;*
- rate of take-up of allocations in any adopted development plan;*
- accessibility by a variety of modes of travel;*
- improvements to public transport;*
- impact on overall travel patterns; and*
- best use of land close to any transport hub, in terms of density and mixed use.*

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development .

13.7.1: planning decisions should take into account the potential hazard that contamination presents to the development, occupants and the local environment, and the results of specialist investigation and assessment by the developer to determine contamination and identify remedial measures.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise.

4.4 *Technical Advice Note 4 – Retail and Commercial Development (2016).*

4.5 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

4.6 *Technical Advice Note 12 - Design (March 2016).*

4.7 *Technical Advice Note 23 – Economic Development (Feb 2014).*

5. INTERNAL CONSULTEE RESPONSES

5.1 *Transportation: No objections. Standard conditions on retention of parking spaces, provision of cycle parking and approval of access junction details recommended.*

5.2 *Pollution Control (Noise & Air): There has been no supporting evidence provided with regards to the potential impacts of deliveries at the proposed*

site. Until such time that supporting evidence can be provided pollution control would only support delivery times of 08.00 till 20.00hrs Monday to Saturday and 10.00 till 16.00hrs on Sundays, with no deliveries to take place on Bank Holidays. The opening hours of the premises would need to be 07.00 till 23.00hrs. With regard to the noise assessment for the potential fixed plant at the site, I have read the report and I am happy with its findings. I note the difficulty for the consultant to provide specifics for individual units at this stage as they have not been provided with any details in relation to the specification of the plant work on the site. As such, a condition is recommended.

- 5.3 *Waste Strategy & Minimisation Officer: Plans indicating the proposed bin stores have been noted and are acceptable. Refuse storage must thereafter be retained for future use. As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.*

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 *Police Crime Prevention Design Advisor: South Wales Police have no objection to this development subject to consideration of recommendations relating to opening hours restrictions for any A3 use, security specifications for doors, windows and (if necessary) roller shutters, alarm systems, CCTV, boundary treatment and landscaping. South Wales Police would advise that the development should be built to a standard to achieve a Secured by Design accreditation. There are concerns that if the gable end is to be without doors and windows the building could be vulnerable to anti-social behaviour such as ball games or graffiti. If the gable end is to be windowless then it will be necessary to install a defensible space between the public area and the building to reduce the chances of anti-social behaviour. Consider planting thorny shrubs within the space to prevent persons approaching the wall.*
- 6.2 *Welsh Water: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. A water supply can be made available.*
- 6.3 *Wales & West Utilities: Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.*

7. REPRESENTATIONS

- 7.1 *The application was advertised by site notice and neighbour notification, and the amended plans were advertised by neighbour notification. 6 individual*

representations have been received opposing the application for the following reasons:

- 1. There is no need for any more retail outlets in this area – affordable housing would be preferable;*
- 2. The development would result in job losses from the existing shops across the road;*
- 3. The Council will lose revenue if the existing shops close;*
- 4. Long opening hours, noise and anti-social behaviour could cause disturbance to neighbouring residents*

Following the submission of amended plans, one objector re-iterated their concerns and also added the following:

- 5. There will not be enough parking spaces for employees and customers.*
- 6. The location of the delivery bay may not be safe/feasible as cars park on both sides of the road.*

7.2 A petition of around 700 signatures has been received, objecting to the application for the following reasons:

- 1. There will be a return to the anti-social behaviour that led to the closure of the pub;*
- 2. The community would support the demolition of the pub and its replacement with affordable housing;*
- 3. There is a risk that the existing businesses across the road will suffer – these businesses employ a significant number of local people.*

7.3 Councillors Peter Bradbury and Elaine Simmons object to the application as follows:

“We are very unhappy that this application is talking about three retail units, which is in direct opposition to the Council’s own retail units in Bishopston Road. Indeed, we were assured that the Caerau Public House was being bought for much needed housing units, which is something we would support. The application talks about creating local jobs. There is no mention of the effect this application will have on Shads Store and Ely Racecourse News, which could close if this application goes ahead with the loss of lots of local jobs. These are two business that have restrictive and protected leases from the Council. There is no doubt that this is in a saturation zone and would be against the Council’s own economic benefit, given the adverse effect this would have on its own units directly opposite the site of this application. We would also be worried about the potential for antisocial behaviour, given a further retail unit would no doubt be looking to serve alcohol and would cause some worry for the local police given the reasons the Caerau Public House closed and the historic problems in that area. We would request that this be rejected on these grounds and we will not in any way be changing our position that this application is wrong for local businesses in Caerau, wrong for the people of Caerau, and is something that would not be welcomed.”

7.4 *They state that their objections still stand following the submission of amended plans as no attempt has been made to address their concerns or those of the shopkeepers and residents who signed the petition, and they are annoyed that no attempt has been made by the developer to look at a residential option when they are in dire need of new homes in the area. Councillors Peter Bradbury and Elaine Simmons request that the Planning Committee visits the area before making any decision.*

7.5 *Neil McEvoy, Regional Assembly Member for South Wales Central, objects to the application, stating that “there is great concern that there will be retail saturation and the development is not supported by local people. The area is already served with shops. Affordable housing would be a much more sensible use of the site, which I would support.”*

8. **ANALYSIS**

8.1 *The site is located in the settlement boundary as defined by the LDP proposals map. It has no specific designation or allocation but falls within a largely residential area. The application site is in an out-of-centre location in terms of retail policy.*

8.2 *Planning Policy Wales Edition 9 (November 2016) states that planning applications for out-of-centre retail developments should be assessed in relation to:*

- *Compatibility with a Community or up-to-date Development Plan Strategy;*
- *Consideration of need;*
- *the sequential approach to site selection;*
- *impact on existing centres;*
- *net gains in floorspace where redevelopment is involved;*
- *rate of take-up of allocations in any adopted development plan;*
- *accessibility by a variety of modes of travel;*
- *improvements to public transport;*
- *impact on overall travel patterns; and*
- *best use of land close to any transport hub, in terms of density and mixed use.*

8.3 *The aim of national retail planning policy is to protect and enhance the vibrancy, attractiveness and viability of existing centres as well as contributing to an increase in linked trips and a reduction of travel demand*

8.4 *The stated aim of Local Development Plan policy relating to retail development (policy R6) is to control the nature and size of out- of-centre retail development so as to minimise competition with, and impact on the vitality and viability of shopping centres identified in the Plan.*

8.5 *Policy R6 only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-*

- (i) *There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);*

- (ii) *That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;*
- (iii) *The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;*
- (iv) *The site is accessible by a choice of means of transport; and*
- (v) *The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.*

8.6 *Paragraph 5.285 of the LDP supporting text states “ this Policy contributes to protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities.”*

8.7 *Whilst the applicants have not supplied a retail statement in support of their application, it is recognised that Planning Policy Wales Technical Advice Note 4 requires such statements for out of centre retail floorspace of 2500sq m and over. The TAN also states that it may be necessary for such assessments for some smaller developments; however, the reason for the threshold is that small stores are not likely to have any material negative effect on shopping patterns in the catchment. The application proposals relate to the development of 3 small retail units totalling 503sq m. As such the proposal is just 20% of the floorspace TAN4 envisages would trigger the need to undertake a retail impact assessment. In addition, it should be noted that the site is currently occupied by a vacant pub (with a ground floor area of 501 square metres and first floor area of 98 square metres) which could convert to A1 retail use without the need for planning permission.*

8.8 *Given the scale, nature and location of the proposal, i.e. 503sqm of retail floorspace located on the site of a vacant public house some distance from the nearest designated centres at Grand Avenue and Wilson Road, it would be very difficult to argue that the proposed retail floorspace would have an adverse impact on any designated centre. Whilst there may be some trade diversion from the parade of shops opposite the application premises, this parade of shops is not located in a designated centre and is therefore not afforded any planning policy protection. As stated in paragraph 5.285 of the LDP supporting text, the purpose of policy R6 is to contribute to “protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities” and not to protect other out-of-centre retail facilities. Moreover, as competition between businesses is not a legitimate planning matter, the impact on these shops is not a material consideration in the determination of this application. The application therefore raises no land use policy concerns.*

8.9 *Consideration must also be given to the impact of the proposed development on visual and residential amenity. The appearance of the development is considered acceptable: the retail units will replace a dilapidated and unsightly*

building with a more coherent and attractive development and the proposed materials (buff brick and render walls and grey profile sheeting roof with aluminium shopfronts) are appropriate for a commercial development in this location, where there are buildings of varying styles and materials.

- 8.10 *The proposed building will be around the same distance from the rear boundary as the existing building, will be single storey only and will have no windows facing towards any adjacent residential property. It will be at an adequate distance from the houses to the north and the east to cause no unacceptable overshadowing and will not appear overbearing.*
- 8.11 *The shop units will be closer to the side boundary of the rear garden of 112 Bishopston Road than is the existing public house; however, there will still be a gap of at least 6.1m between the new building and the boundary, the new shop units will be set back from the highway and will not obscure the side elevation of no. 112 (where there is a window) and the new units will be single storey and will have no entrances or windows in the side elevation. Therefore it is not considered that there will be any significant loss of amenity to residents of no 112 in terms of overshadowing, overbearing or loss of privacy.*
- 8.12 *There will be external plant to the rear of the building and a loading/unloading bay to the eastern side. Planning conditions will therefore be needed to ensure that noise from these areas does not adversely affect neighbouring residents. A noise report has been submitted by the applicant and, based on this, Pollution Control officers have recommended a suitable condition that will control the noise emitted by fixed plant and equipment. Noise from loading/unloading activities, and from customers visiting the site, can be controlled by limiting the hours of operation.*
- 8.13 *With regard to the objections (which are detailed at paragraphs 7.1 to 7.3 of this report):*
1. *The application site is not allocated in the LDP for housing development (or for any other alternative use) and there are no land use policy objections to the proposed retail use. In this case it is not considered reasonable to insist that the applicant proves a need for the development given that the proposal is on such a small scale that it will have no adverse impact on any existing, designated centres and that the site is currently occupied by a public house (albeit unused at the moment) which could change to A1 retail use at any time without the need for planning permission and which has more or less the same amount of ground floor floorspace as the proposed building.*

It would be unreasonable for the Council to refuse planning permission on the basis that surrounding residents may prefer an alternative use.
 2. *It is not certain that jobs would be lost from the existing shops, and the proposed units will generate employment opportunities (according to the applicant this will be 12 full-time equivalent jobs). The planning system is not permitted to interfere in the matter of competition between businesses therefore it would be unreasonable to refuse planning*

permission on these grounds.

3. *This is not a material planning consideration. It would be unreasonable for the Council to refuse planning permission for a development that was otherwise acceptable on the basis that the Council itself could lose revenue as a result of the decision.*
4. *South Wales Police have raised no objections to this application but have provided advice on security measures. The Police advise that opening hours should be restricted for any A3 (food and drink) use; however, further planning permission would be needed for such a use as the development is currently proposed to comprise A1 (retail) units. The sale of alcohol is controlled by licensing laws, which are separate from planning permission, noise from the units would be controlled by Environmental Health legislation and any anti-social behaviour would be a matter for the police.*

8.14 *In response to the points raised in the petition:*

1. *As mentioned above, anti-social behaviour would be a matter for the police (who have not objected to this application) and it cannot be assumed that the development would result in an increase in such behaviour.*
2. *The Council is obliged to consider this application and cannot insist on an application being made for affordable housing. As stated above, the application site is not allocated in the LDP for housing development (or for any other alternative use), there are no land use policy objections to the proposed retail use and there is no requirement to prove a need for such a small scale development.*
3. *The existing shops are not within a designated district or local centre, therefore they enjoy no protection in land use policy terms and, also given that the planning system is not permitted to interfere in the matter of competition between businesses, it would be unreasonable to refuse planning permission on these grounds. The new units will provide employment for local people and it is not necessarily the case that the existing businesses will be damaged.*

8.15 *The objections received from Councillors Peter Bradbury and Elaine Simmons, and from Neil McEvoy AM, which relate to the preference for housing development, impact on local jobs, impact on existing businesses, loss of Council revenue and antisocial behaviour, are addressed in the paragraphs above.*

8.16 *In conclusion, there are no reasonable grounds for refusal of this application and approval is recommended subject to the conditions set out above.*

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.3 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.



City of Cardiff Council
Cyngor Dinas Caerdydd



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DAVID LUCAS
BOOKMAKER

Proton

David Lucas

Jake's Barber Shop

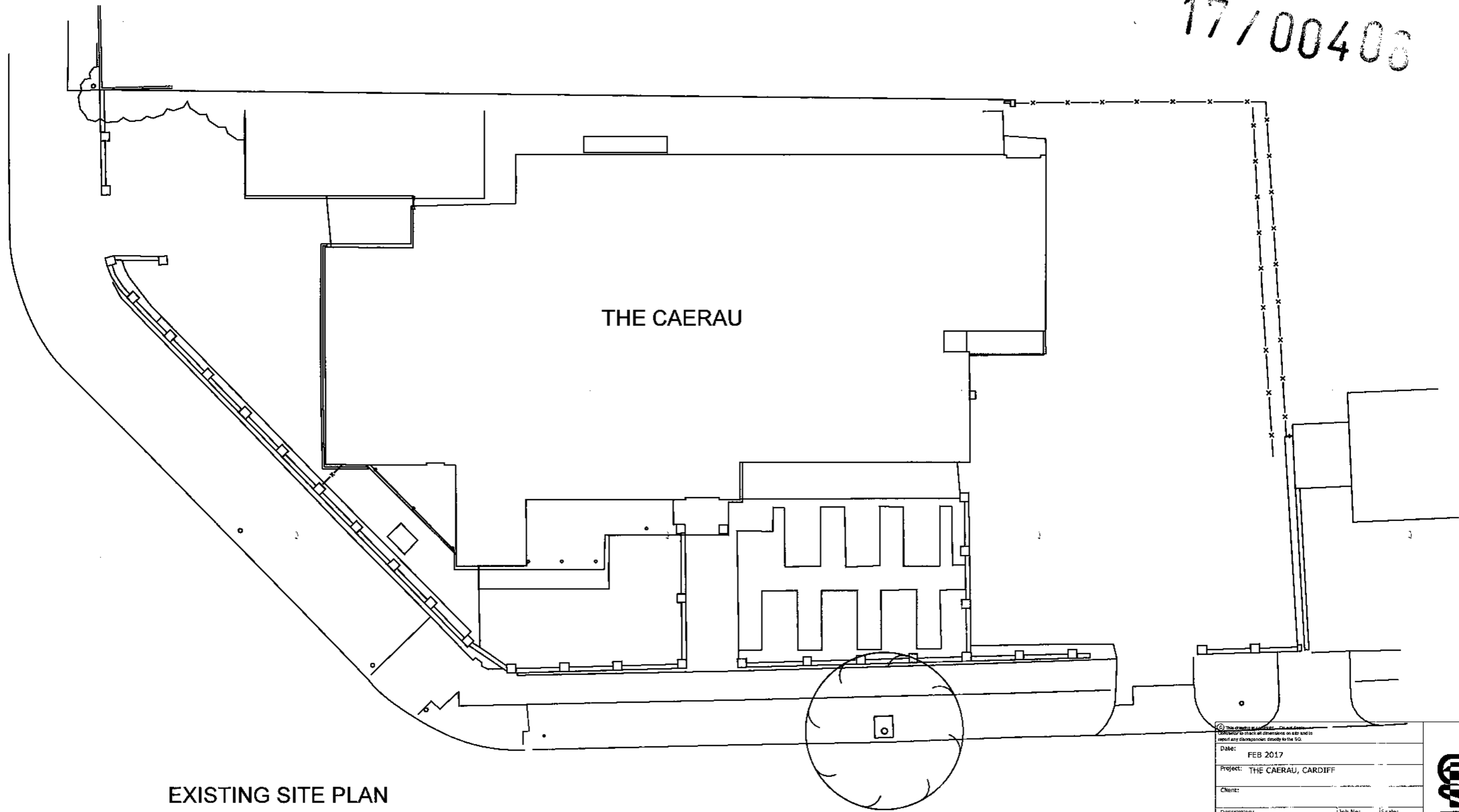









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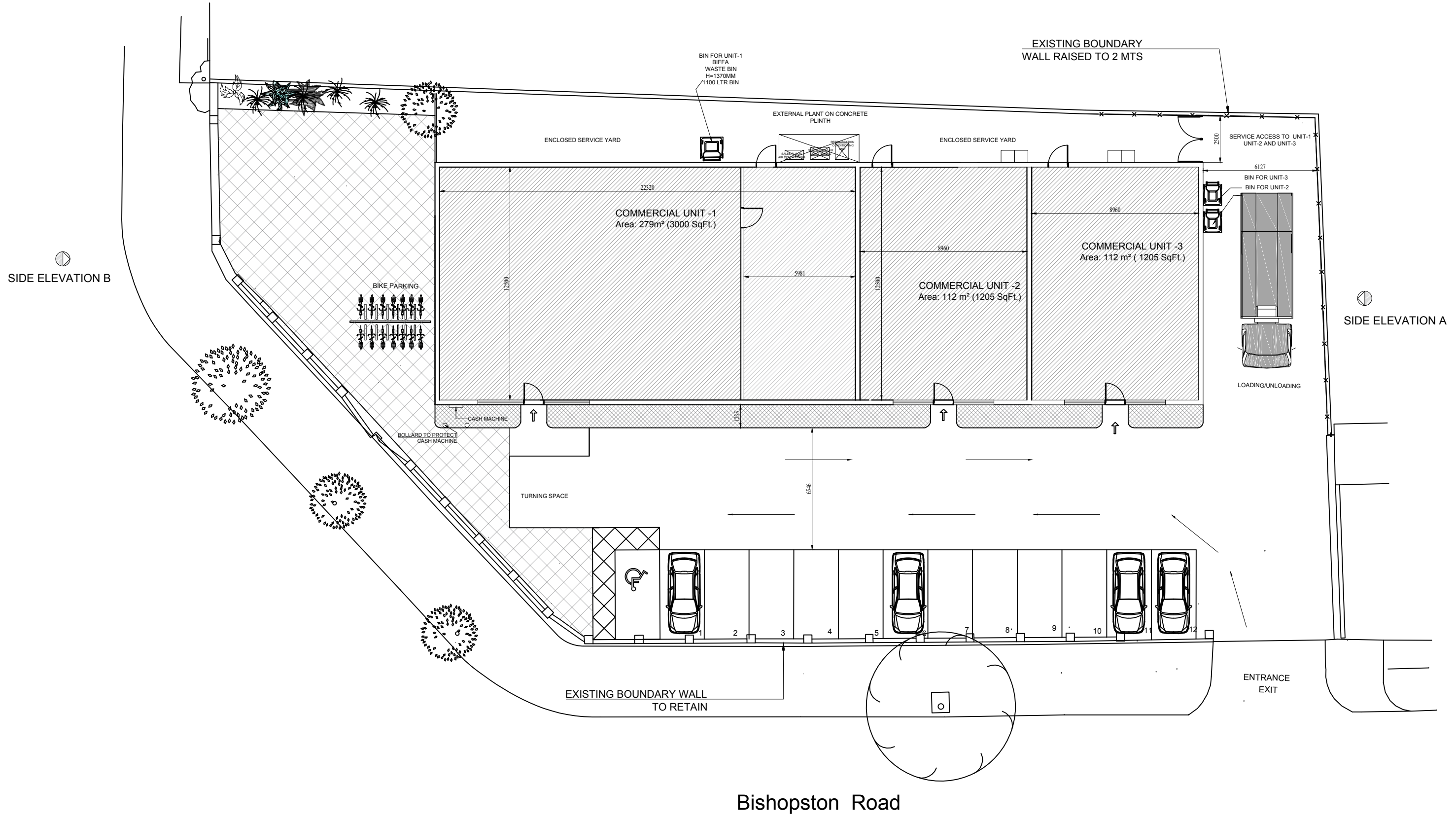


THE CAERAU

Bishopston Road


EXISTING SITE PLAN

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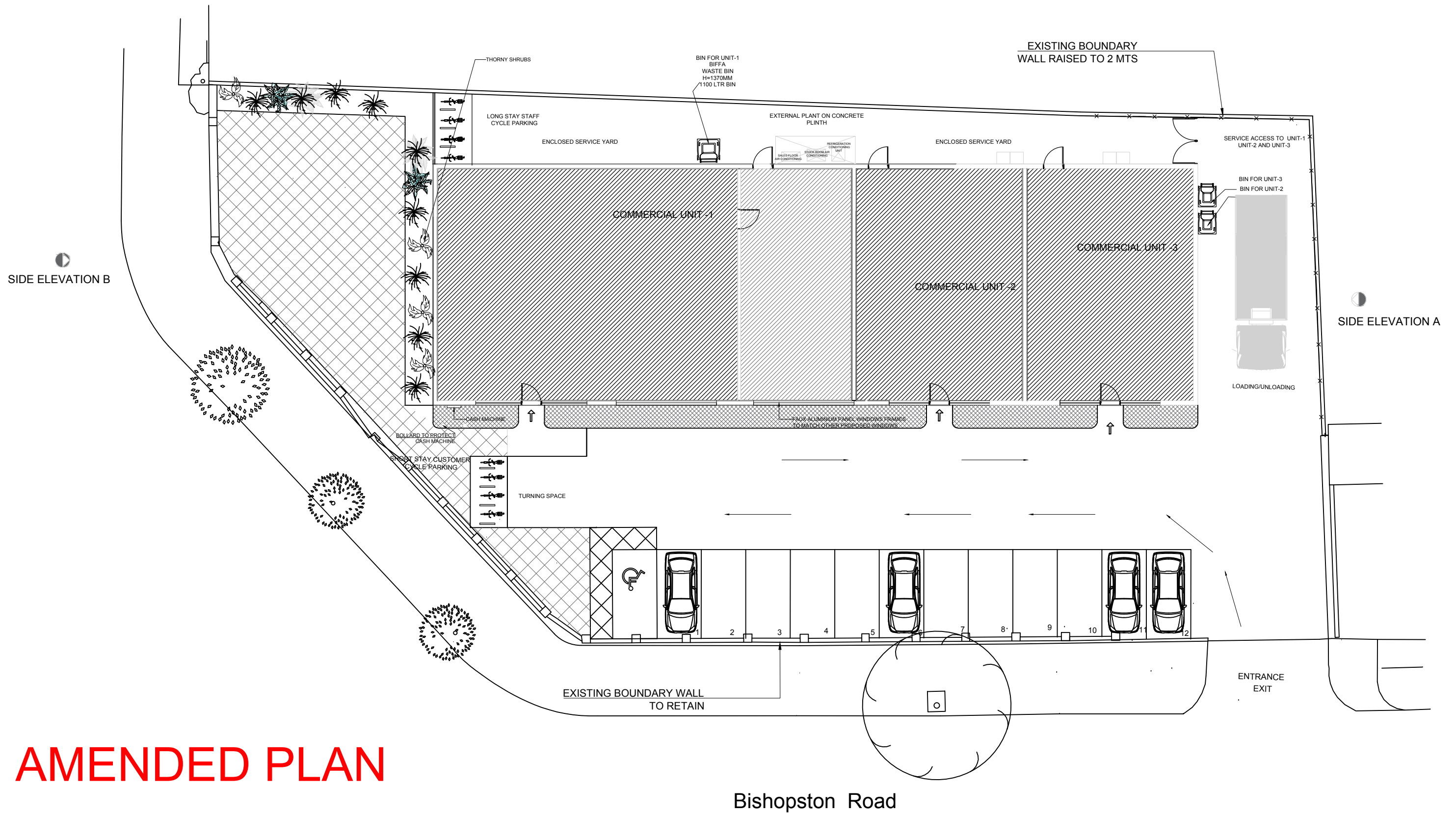



PROPOSED GROUND FLOOR PLAN

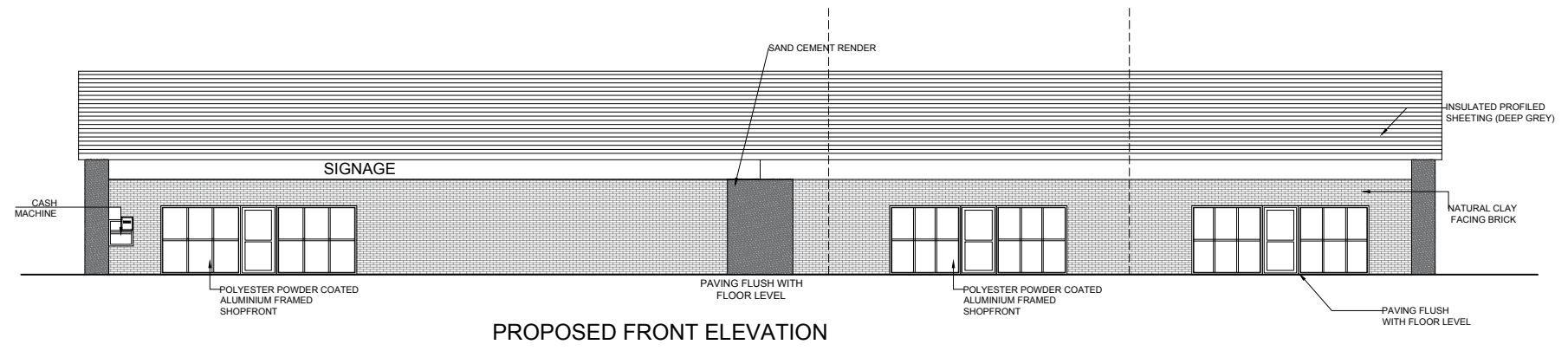
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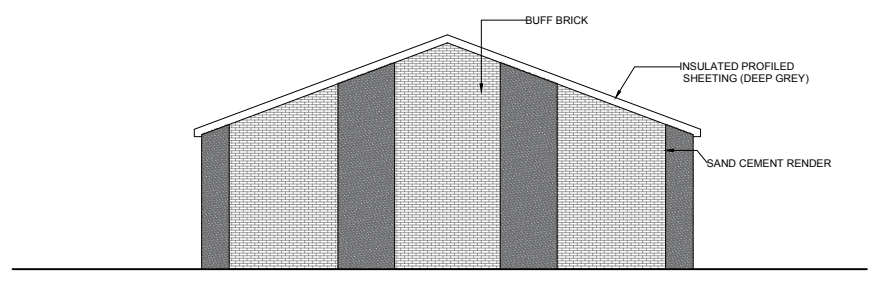
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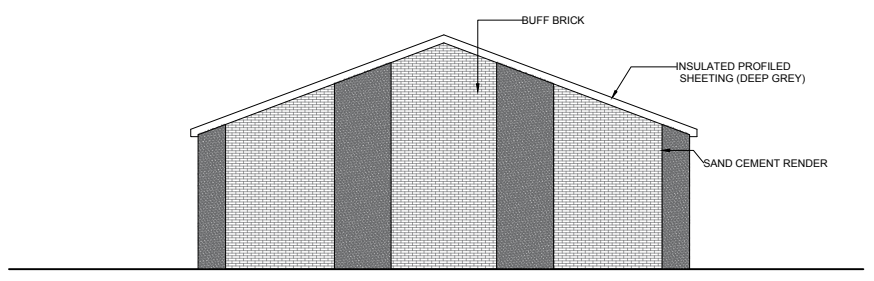
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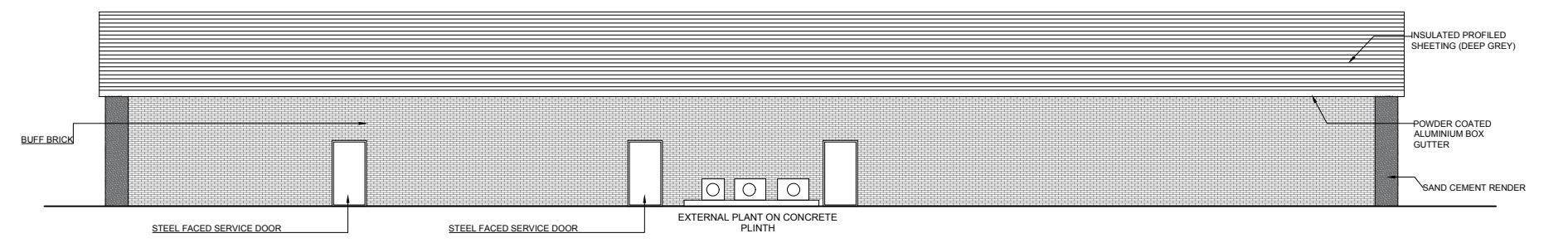
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION B




PROPOSED SIDE ELEVATION A



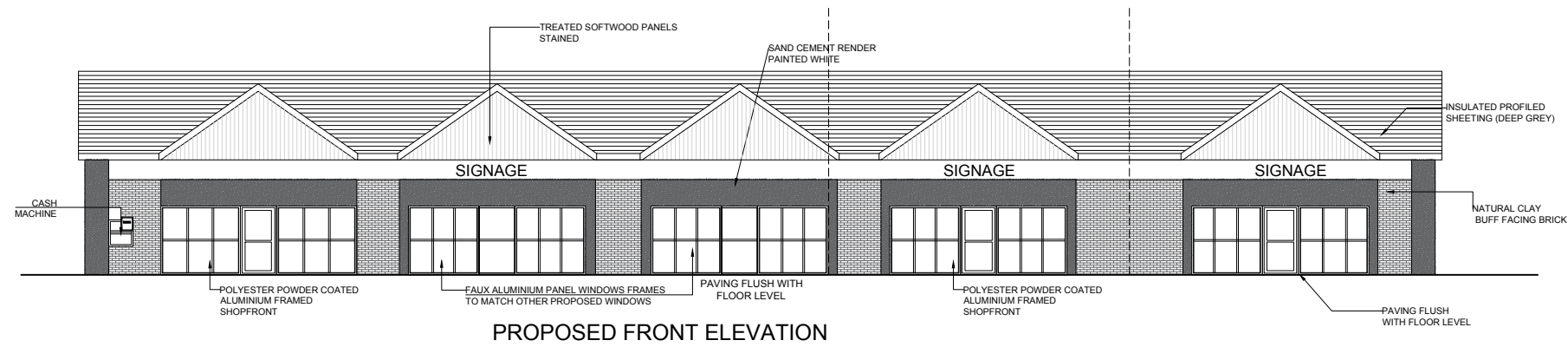
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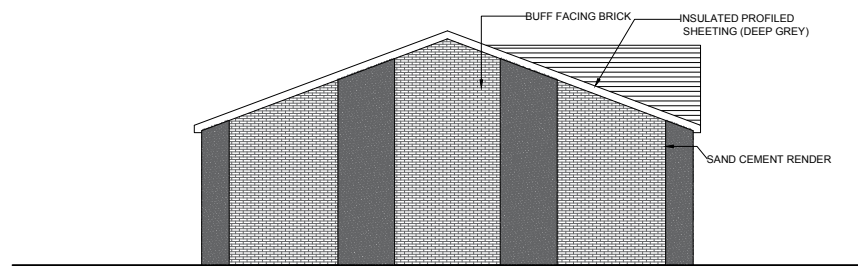


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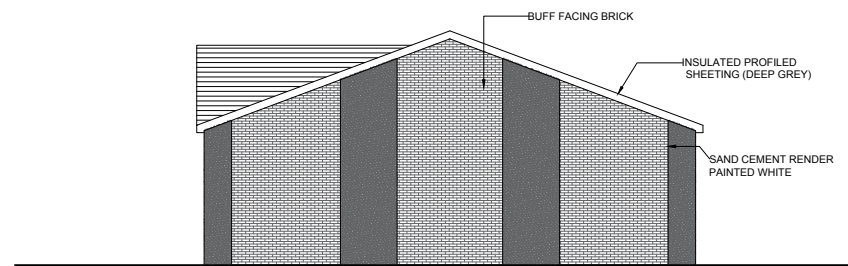
AMENDED PLAN



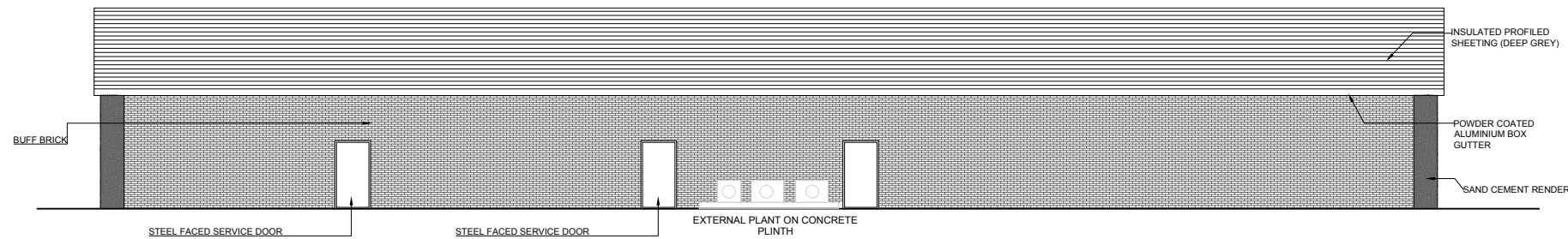
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION B




PROPOSED SIDE ELEVATION A



PROPOSED REAR ELEVATION

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