

## PETITION

COMMITTEE DATE: 18/05/2016

APPLICATION No. **16/00430/MNR** APPLICATION DATE: 01/03/2016

ED: **ELY**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Khan

LOCATION: LONGHOURS, 43 WILSON ROAD, ELY, CARDIFF, CF5 4LL

PROPOSAL: CHANGE OF USE FROM A1 (SHOPS) TO A COMBINATION OF A1 (SHOPS) AND A3 (FOOD AND DRINK)

---

**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:

EPS-AK 402

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Members of the public shall only be admitted to or allowed to remain on the premises between the hours of 08:00 and 21:00 Monday – Saturday, 08:00 – 16:30 Sundays.  
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected.

4. All arrival, departure, loading or unloading of delivery vehicles shall be between the hours of 08:00 and 16:00.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

5. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

6. Prior to the commencement of any cooking from the premises the

extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment including the chimney shall be submitted to, and approved by, the Local Planning Authority in writing and the approved details shall be installed prior to the commencement of use for the cooking of food and shall thereafter be retained.

Reason: To ensure the amenity of adjoining neighbours.

7. Prior to the implementation of the use hereby approved a scheme of sound insulation works to the floor/ceiling structure between the ground floor unit and the first floor flat shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

8. Prior to the implementation of the use hereby approved details of the bin storage provision shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented prior to the beneficial use and shall thereafter be retained.

Reason: To ensure a satisfactory form of development.

9. Prior to the implementation of the use hereby approved details and siting of CCTV, both internally and externally, shall be submitted and approved in writing with the Local Planning Authority. The submitted details should ensure that the CCTV can identify person(s) entering or leaving the premises and to protect the shop frontage and The CCTV system should be capable of providing evidential quality imagery to at least recognition standards.

Reason : In the interests of community safety.

**RECOMMENDATION 2:** The applicant is advised that a suitable grease trap is fitted to ensure that the integrity of the public sewage system is maintained.

**RECOMMENDATION 3:** the applicant is advised to ensure the following design details are taken into account: The shop/takeaway unit should be fitted with door sets that comply with PAS24 2016 or security rating LPS 1175 SR1, Laminated glazing to a minimum of 7.5mm should be fitted to the shop front, A monitored alarm system which is compliant with the latest version of the National Police Chiefs Council (NPCC) Alarms Policy should be installed.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought to change the use of the existing shop (A1) into a mixed use (A1/A3). The submitted Planning & Access Statement clarifies this by stating the following:

“ The proposal is for the sales of cold and hot food from the premises. A concept has been devised whereby global cuisine is proposed to be sold, ranging from pizza, salad bowls, pasta, curries, sandwiches. In addition it is proposed to sell readymade meals for home heating. The applicant estimates the A1 and A3 element being split 50/50”.

1.2 The agent has submitted a design and access statement which indicates that the predominant use of the centre will be retail.

## 2. **DESCRIPTION OF SITE**

2.1 The site is an unoccupied mid terrace shop (A1) with residential above. The adjoining terraces are commercial in nature, on the ground floor with many having residential above. To the front of the parade of shops are parking spaces, which are separated from Wilson Road.

The site is not located within a conservation area/flood risk zone but is located within a local centre. No Listed Buildings or protected trees are affected by this proposal

## 3. **SITE HISTORY**

3.1 Nil

## 4. **POLICY FRAMEWORK**

The application site is located within the Wilson Road Local Centre as defined by the adopted LDP Proposals Map; therefore, the following policies apply

### ***National Planning Policy***

- *Planning Policy Wales (8<sup>th</sup> Ed) 2016*
- *Technical Advice Note: 4 Retail, 11 Noise, 12 Design, 18 Transportation, 23 Economic Development*

### ***Cardiff Local Development Plan 2006-2026 (2016)***

- *Policy KP5 (Good Quality and Sustainable Design)*
- *Policy T5 (Managing Transport Impacts)*
- *Policy R5 ( Local Centres)*
- *Policy R8 (Food and Drink uses)*
- *Policy C3(Community Safety/ Creating safe environment)*

### ***Supplementary Planning Guidance***

- *Access, Circulation and Parking Standards (2010)*
- *Residential Extensions and Alterations (2015)*

*The SPGs were approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice*

*contained within the SPGs is pertinent to the assessment of the proposal and remains consistent with the aims of both LDP Policies and guidance in Planning Policy Wales and are afforded significant weight*

## **5. INTERNAL CONSULTEE RESPONSES**

- 5.1 Pollution Control: No objections
- 5.2 Operational Manager (Transportation): No objections
- 5.3 Operational Manager (Waste): No details of waste provision have been submitted.

## **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 Police Architectural Liaison Officer: No objections subject to conditions.
- 6.2 Welsh Water: Request a grease trap condition

## **7. REPRESENTATIONS**

- 7.1 Adjoining neighbours have been notified of this application with additional publicity under taken by a site notice. Two letters of representation have been received from the owners of 17 and 41 Wilson Road who object on the following grounds:

Saturation of A3 uses/ too much competition,  
Parking issues with deliveries;  
Issues with rodent infestations  
Litter problems

The owner of no. 17 Wilson Road also states that he will lose faith in Cardiff Council if this application is approved.

A property on Grand Avenue supports the above objection and adds that the shop should become a grocery shop but this will not happen as the applicant owns the only grocer in the centre and will not want competition

- 7.2 A ninety signature petition has been submitted objecting to the proposal on the following grounds:

Over saturation of A3 uses within the centre  
Noise pollution from people gathering there  
Anti-social behaviour;  
Smell from the cooking odours;  
Impact upon the amenity of residential properties above the shops.

- 7.3 Local Ward Councillors have been notified on this application: any comments will be reported to committee

## 8. **ANALYSIS**

8.1 Key Issues: Land Use considerations, Impact upon the amenity of adjoining residential properties and highway safety/ parking provision.

### 8.2 **Land Use considerations**

The application site is located within the Wilson Road Local Centre as defined by the adopted LDP Proposals Map.

Policy R5 aims to promote and protect the shopping role of local whilst supporting a mix of appropriate uses. Given the retail unit already benefits from an A1 consent, the A1 element of the application raises no land use policy concerns.

In relation to the A3 element of the proposal, Policy R5 permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages. Proposals that result in, or add to a continuous stretch of non-shopping uses (3 or more units in non-shopping use) will be less favourably considered.

Policy R8 identifies that food and drink uses are most appropriately located in the City Centre, the Bay and District and Local Centres subject to amenity considerations, highway matters and crime and fear of crime considerations and where they do cause unacceptable harm to the shopping role and character of designated centres. Paragraph 5.296 recognises that food and drink uses are complementary, in principle, to the main shopping role of Local Centres as long as they do not adversely affect the living environment of nearby residents or with other non-shopping uses reach such a level that they undermine the shopping character of the area.

Assessed against this policy framework, the proposal would not result in 3 or more non shopping uses in a row; would bring into viable use a long term vacant retail unit which is not currently contributing to the vitality and viability of the centre and in addition would retain 50% of the floorspace in retail (A1) use which would result in the balance of shopping and non- shopping uses largely remaining unaltered. As such, the proposal raises no land use policy concerns, however preference would be given to the A1 element of the floorspace being located at the front of the store in order to maintain an active A1 frontage with the A3 element towards the rear.

### 8.3 **Impact upon the amenity of adjoining residential properties**

Paragraph 5.297 of Policy R8 recognises that Local centres are generally more residential in nature and A3 proposals may be more difficult to accommodate and are less likely to be acceptable on amenity grounds. As such more emphasis will be placed on protecting residential amenity in these centres through restricting closing times and the type of A3 premises. The

Council's Pollution Control Section raises no objections subject to the imposition of conditions. The suggested conditions from Pollution Control meet the requirements of the statutory test of a valid condition as set out in Welsh Government Circular 016/2014; the Use of Planning Conditions for Development Management and will ensure that the amenities of adjoining residential properties are not undermined.

#### 8.4 **Highway safety/ parking provision**

In terms of the Councils adopted Access, Circulation & Parking Standards SPG (Jan '10) there is no minimum parking requirement for A3 uses, i.e. in terms of operational use. The parking demand for customers would be expected to be similar for both the A1 and A3 uses and as such it is considered that there would likely be a negligible increase in trips as a direct result of the proposal.

#### 8.5 **Crime**

Concern has been raised on anti-social behaviour. Whilst crime and the perception of crime are material consideration and that there is a legal duty on the council to seek to reduce crime ( S78 of the Crime and Disorder Act 1988) It is considered that without objective evidence or an objection from the Police such ground for refusal would be unreasonable.

The suggested conditions from the Police are noted but having regard to the statutory test of a valid condition, as set out in Welsh Government Circular 016/2014; the Use of Planning Conditions for Development Management a number of them do not meet that test but the requirements for CCTV, is considered reasonable, necessary and related to planning and therefore this condition has been imposed. In regards to the other suggested conditions, these have been imposed as advisory notes to make the applicant aware of best practise.

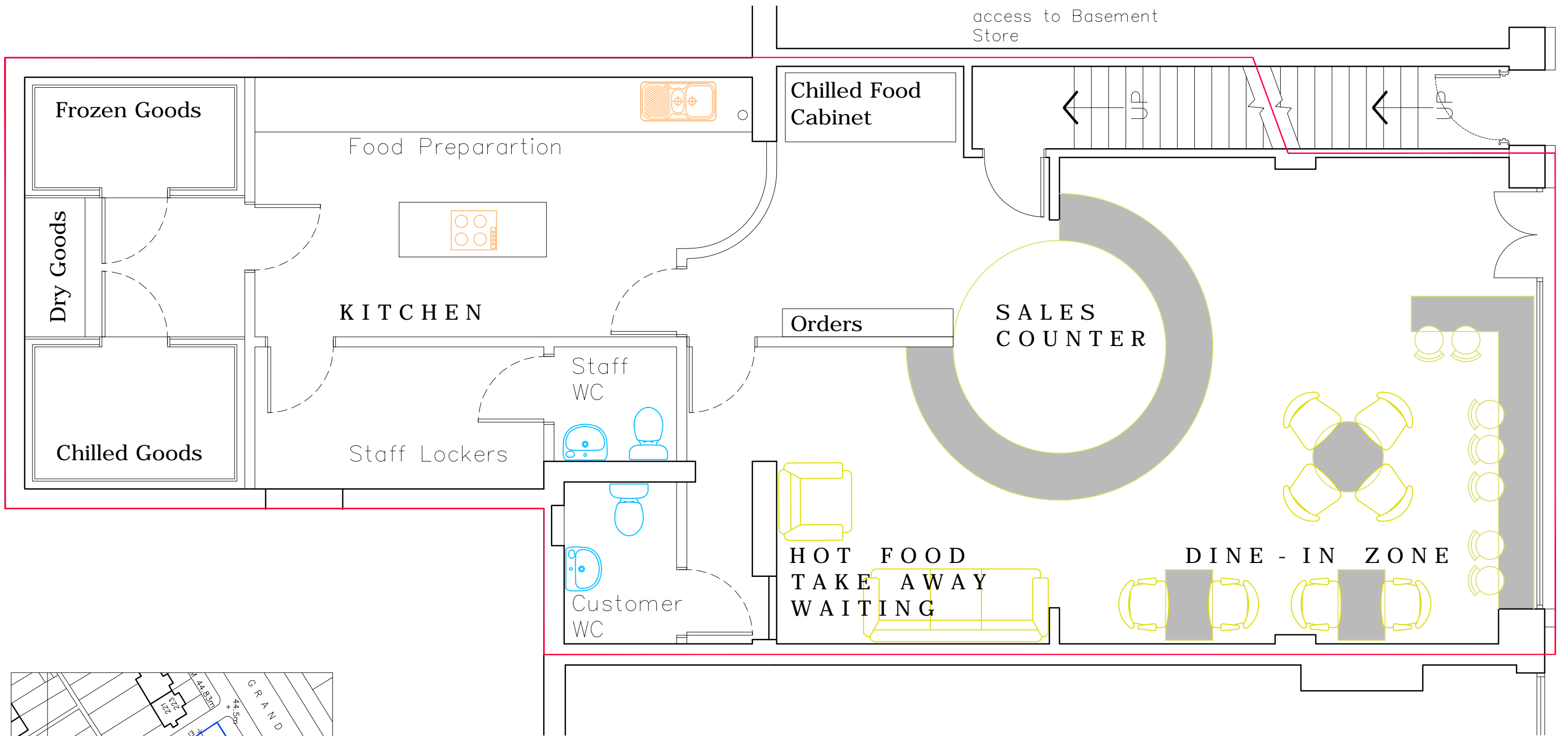
#### 8.6 **Other matters not assessed above**

It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land or to regulate development for other than land use planning reasons. (Para 1.2.3 Planning Policy Wales).

Officers note the requested condition from Welsh Water but as Welsh Water have powers under their own legislation to ensure the drainage system is not polluted these powers should not be duplicated by the Planning system ( para 1.2.4 Planning Policy Wales However, an advisory note has been imposed to inform the applicant of the requirements of Welsh Water.

#### 9. **Conclusion**

Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.



PROPOSED GROUND FLOOR PLAN



SITE LOCATION PLAN  
1:1250 SCALE



Rev.	Date	Description	By
Amendments			
Project:			
Change of Use to former Post Office Premises, comprising: Preparation of chilled & hot global food dishes for consumption on the premises & take home collection.			
Location:			
43 Wilson Road Ely, Cardiff CF14 4EG			
Title:			
Proposed Ground Floor Plan			
Drawn:		Scale(s).	
GB		1:50 @ A3	
Date:	Job no.	Dwg. no.	Rev.
Jan 2016	EPS-AK	402	-