

LOCAL MEMBER OBJECTION / PETITION

COMMITTEE DATE: 12/10/2016

APPLICATION No. **16/01709/MNR** APPLICATION DATE: 12/07/2016

ED: **CAERAU**

APP: TYPE: Full Planning Permission

APPLICANT: MVJ Capital Ltd

LOCATION: IN 'N' OUT SERVICE STATION, COWBRIDGE ROAD WEST,
CAERAU, CARDIFF, CF5 5TG

PROPOSAL: CONSTRUCTION OF A NEW SINGLE STOREY BUILDING
CONTAINING 2 NO A1 RETAIL UNITS ON LAND CURRENTLY
USED AS A CAR PARK BEHIND THE EXISTING IN'N'OUT
SERVICE CENTRE ON COWBRIDGE ROAD WEST, CARDIFF

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:

PL 01 Rev A – Site location plan

PL 03 Rev A – Site layout – received 2nd September 2016

PL 04 Rev A – Plan layout - received 2nd September 2016

PL 05 Rev A – Proposed elevations

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

3. The rating level of the noise emitted from fixed plant and equipment on the site (including noise from any kitchen extraction system) 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 in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

4. No member of the public shall be admitted to or allowed to remain on the premises outside the hours of 08:00 – 20:00 on any day.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policies KP5 and EN13 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 – 18:00 on any day.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.
6. Prior to the commencement of development, details showing the provision of cycle parking spaces at a rate of at least one for long stay use (i.e. for employees) and one for short stay (i.e. for customers) for each unit 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.
7. Prior to the construction of the building above foundation level, samples and/or detailed manufacturer's specifications, 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.
8. No illumination of the exterior of the building or any other areas outside the building shall take place unless a scheme for such illumination has been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. Any external illumination shall be maintained in accordance with the approved details.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.
9. Unless written consent is provided by the Local Planning Authority, no development shall take place that does not accord with the tree protection recommendations in the submitted Cardiff Treescapes Arboricultural Report dated 20th May 2016, received on 12th July 2016.
Reason: In the interests of visual amenity and tree protection, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.
10. All planting, seeding, turf-laying and paving shown on the approved plans and documents shall be carried out in the first planting and seeding season following the occupation of the building or the

completion of the development, whichever is the sooner.

Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others of similar size and species, 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 policies KP5 and EN8 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3: The applicant is advised that a commercial waste contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act 1990) 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 to commercial services department on 029 20717500.

RECOMMENDATION 4: The developer is advised that no surface water and/or land drainage shall be permitted to connect (either directly or indirectly) to 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 5: The applicant must contact:

Wales and West Utilities,
Wales and West House,
Spoooner Close,
Celtic Springs,
Coedkernow,
NEWPORT
NP10 8FZ
Tel: 029 2027 8912
www.wwutilities.co.uk

to discuss their requirements in detail, as their apparatus may be at risk during construction works. Building over any of their plant or enclosing their apparatus will not be permitted. Should diversion works be required, these will be fully chargeable.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application is for full planning permission for the construction of a flat roofed single storey building with a footprint of around 19.5m x 10.5m, finished in metal panels, cedar cladding and buff brick, with two aluminium shopfronts. The building would contain two units, each 92.9 square metres. There would be 17 car parking spaces immediately adjacent to the units, 3 of which would be for people with disabilities. There would be a total of 29 parking spaces within the application site, 35 for the application site and adjacent existing car service/valeting centre as a whole. The proposed use of the units is class A1, i.e. shops.
- 1.2 The application was originally reported to the Planning Committee on 14th September 2016 and was deferred for a site visit, which took place on 5th October 2016.

2. **DESCRIPTION OF SITE**

- 2.1 The site is to the rear of a car service/valeting centre on the southern side of Cowbridge Road West, approximately 270m from the Culverhouse Cross roundabout. It is accessed from a light controlled junction, the access being shared with a large DIY warehouse situated to the south west. The site is currently used for vehicle parking (44 spaces). There are residential properties to the south and south-east and other commercial units to the east/north-east. The Western Cemetery is on the opposite side of Cowbridge Road West.

3. **SITE HISTORY**

- 3.1 95/1691 : Outline planning permission granted in August 2000 on appeal for the redevelopment of land on the south side of Cowbridge Road West (including

the current application site) for 'bulky goods' retail warehousing.

- 3.2 00/2350R : Reserved matters granted for the development of a 9,200 square metres DIY retail warehouse, including a garden centre and building materials sales area.
- 3.3 07/2683/W – Single storey building with basement to form class 4 and class 7 vehicle service and MOT centre. Refused – noise disturbance to neighbouring residents.
- 3.4 08/00289/W - Single storey building with basement to form vehicle service and MOT centre.
- 3.5 08/01414/W – Proposed building for sui generis use for MOT and light servicing of class 4 motor vehicles with no repairs.
- 3.6 08/01959/W – Proposed car valet with canopy.
- 3.7 15/03070/MNR – Construction of a new single storey building containing 2 no. A3 retail units on land currently used as a car park behind the existing In'n'Out Service Centre on Cowbridge Road West, Cardiff. (Application withdrawn).

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Development Plan 2006-2021:*

KP5 (Good Quality and Sustainable Design);
EN8 (Trees, Woodlands and Hedgerows);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
R6 (Retail Development (Out of Centre));
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*

Following the adoption of the Cardiff Local Development Plan, 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 considered consistent with LDP policies KP5, EN8, T5 and W2 and can be used to help inform the assessment of relevant matters –

Access, Circulation and Parking Standards (January 2010);
Trees and Development (March 2007);
Waste Collection and Storage Facilities (March 2007);
Shopfronts and Signage (October 2011)

4.3 *Planning Policy Wales (January 2016):*

3.1.8: While the substance of local views must be considered, the duty is to decide each case on its planning merits. Local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission.

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

- 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.

4.11.9: Visual appearance, scale and relationship to 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.

8.4.2: 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.

8.7.1 When determining a planning application for development that has transport implications, local planning authorities should take into account (inter alia): the impacts of the proposed development on travel demand; the level and nature of public transport provision; accessibility by a range of different transport modes; the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections ; the environmental impact of both transport infrastructure and the traffic generated; the effects on the safety and convenience of other users of the transport network.

8.7.3 The proposed access to a development should reflect the likely travel patterns involved. It should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car.

10.3.1 When determining a planning application for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with any community strategy or up-to-date development plan strategy;
- 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.

10.3.11 Edge of centre or out-of-centre retail developments may seek over time to change the range of goods they sell or the nature of the sales area, for example by subdivision to a mix of smaller units, or to a single 'department' store. Sites might come up for redevelopment or be extended, or additional floorspace (possibly in the form of mezzanine floors) might be proposed. Local planning authorities should anticipate such future changes to retail developments (which are likely to impact upon the vitality, attractiveness or viability of a town centre) by placing conditions on the initial permission and on any subsequent variation allowed. Conditions might be appropriate to prevent the development from being subdivided into a large number of smaller shops, to limit the range of goods sold or to restrict the amount of floorspace. Applications to remove or vary such conditions should be considered in accordance with this guidance.

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.

13.15.1: 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 – Retailing and Town Centres (1996).*

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

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

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* A Transport Note (TN) has been submitted in support of the application which demonstrates that A3 uses would generate in the order of 21 (2 way) additional vehicle movements during a typical weekday lunchtime period and 26 (2 way) vehicle movements in the evening (18:00 to 19:00). These have been identified as being the peak periods associated with the site

and would occur outside of the network peak hours. This was as originally proposed. The current proposal for A1 uses would be considered to be similar in terms of vehicle trip generation. The TN includes a car park accumulation study which shows that whilst there would be an increase in the demand for car parking spaces as a result of the application, that this would sit within the total number of spaces that are provided on the site. As such there would be sufficient capacity available to accommodate the proposed development. It is considered that this would also be the case if the units were A1.

5.2 *Pollution Control (Noise & Air):* No objections – recommend conditions on plant noise, opening hours and delivery times.

5.3 *Waste Strategy & Minimisation Officer:* The proposed refuse store is acceptable

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Wales and West Utilities:* Wales & West Utilities has pipes in the area. Apparatus may be affected and at risk during construction works. The developer must contact W&WU to discuss their requirements before works commence.

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 approved use shall not commence until an adequate grease trap has been fitted. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. A petition of 85 names has been received objecting to the application on the grounds of traffic congestion, noise and air pollution.

7.2 Councillor Peter Bradbury objects to the application as follows:

“I am objecting to this application on the grounds of the traffic in the area, noise pollution, and the fact that this is a retail application where there is already an abundance of retail in this area. I firmly believe additional retail units will potentially cause problems for the local shopping centres in Michaelston Road and Caerau Lane. We already have B&Q, Tesco, Marks and Spencer within 800 yards of this. The transport implications are that this will add traffic to an already hugely congested area. This will be already exasperated by the additional HGV transport that we have opposed going down Cowbridge Road West and Cwrt yr Ala Road. I would like a site visit to the area prior to this going to the committee as this will have major light implications for my constituents on the Sanctuary. My constituent has provided a petition and has expressed his opposition to this application and those of my constituent.”

8. **ANALYSIS**

- 8.1 The site is located in the settlement boundary as defined by the LDP proposals map. The site has no specific designation or allocation but falls within a commercial area to the rear of the In 'N' Out service station and in close proximity to the adjacent B&Q superstore. The application site is in an out-of-centre location in terms of retail policy. Planning Policy Wales Edition 8 (January 2016) is clear that planning applications for retail developments, including redevelopment and extensions in out-of-centre locations should be assessed against the following tests:-
- (i) Compatibility with a Community or up-to-date Development Plan Strategy;
 - (ii) Consideration of need;
 - (iii) The sequential approach to site selection; and
 - (iv) The impact on existing centres.
- 8.2 Policy R6 of the Adopted Local Development Plan provides the development plan policy framework. 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.
- 8.3 Whilst the applicants have not supplied a retail statement in support of their application, it is recognised that TAN4 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 2 small retail units (Use Class A1) totalling 189.8sq m. As such the proposal is just 7% of the floorspace TAN4 envisages would trigger the need to undertake a retail impact assessment.
- 8.4 Given the scale, nature and location of the proposal i.e. 189.8sq m of A1 retail floorspace, located in a mixed use commercial area some distance from the nearest designated centre at Caerau Lane (1 mile walking distance and 4minutes drive time) it would be difficult to argue that the proposed retail floorspace would have an adverse impact on any designated centre. Similar "pod" type retail facilities have been permitted in other commercial areas, including employment areas and out-of-centre retail parks where they perform

complementary facilities for employees at the site and visiting members of the public. It is also noted that the proposed retail units will not have a commercial frontage, being located to the rear of the service station and as such they are unlikely to attract any significant additional passing trade from road users. Taking into account the above factors the application raises no land use policy concerns.

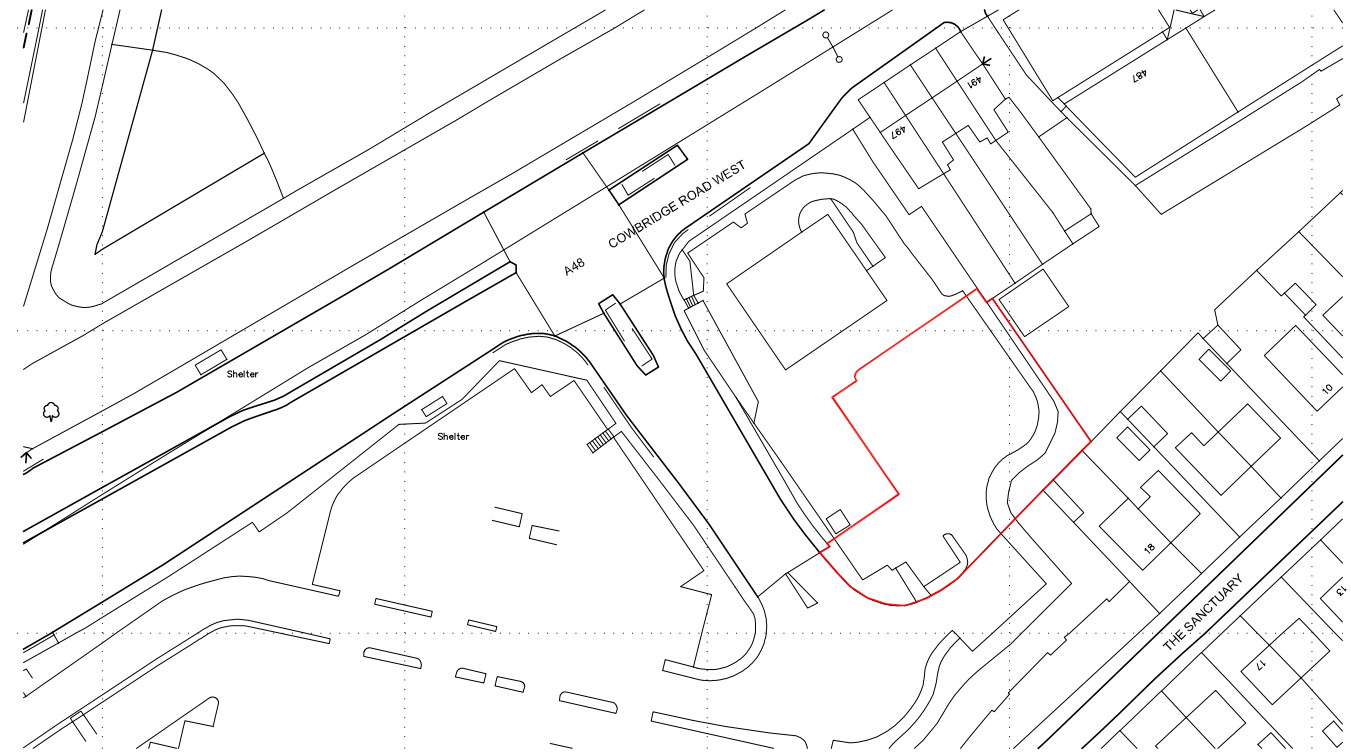
- 8.5 Other issues to consider are the impact on trees and landscaping, the amenities of neighbouring residents and traffic/parking issues. With regard to trees and landscaping, implementation of this development will result in the loss of a soft verge bounding the site to the north and north east and a reduction in the extent of other soft landscaping. However, information has been submitted which demonstrates that the impact of the development will be acceptable provided the developer complies with the recommendations in the submitted tree report with regard to tree protection, and the proposal includes the planting of 3 new trees to compensate for any losses.
- 8.6 With regard to traffic and parking issues, Transportation officers have no objections to the proposals. A Transport Note (TN) has been submitted in support of the application which demonstrates that the peak weekday period for the site would be between 1pm and 2pm, when 31 two way trips are forecast. This amounts to around one movement every two minutes, which is considered to be a negligible amount of traffic. The peak period for the site also falls outside the highway network peak hours, therefore I am satisfied that this development will not cause unacceptable traffic congestion. The TN also includes a car park accumulation study which shows that whilst there would be an increase in the demand for car parking spaces as a result of the application, that this would sit well within the total number of spaces that are provided on the site. As such there will be sufficient capacity available to accommodate the proposed development.
- 8.7 Regarding the impact on residential amenity, Pollution Control (Noise and Air) officers have no objections to the proposal subject to conditions controlling the level of noise emitted by fixed plant and equipment and limiting opening hours and delivery times.
- 8.8 In response to the points raised by Councillor Bradbury (see para. 7.1), evidence has been submitted which demonstrates that, although the development will lead to additional traffic visiting the site, the increase will be negligible and the development will not lead to unacceptable traffic congestion. Pollution Control officers have raised no concerns regarding noise pollution, which can be controlled by imposing conditions limiting noise from plant and equipment and restricting the hours of opening and delivery times, to ensure that neighbouring occupiers are not adversely affected. It should be noted that this application differs from the previous application (which was withdrawn by the applicant) in that it no longer relates to A3 uses (i.e. sales of food for consumption on the premises and/or hot food for consumption off the premises) and the reference to an outdoor seating area has been deleted from the plans. There are no concerns regarding retail policy and the impact on local shopping centres (see paragraphs 8.1 to 8.4 of this report). Concerns regarding light

nuisance can be addressed by a planning condition requiring details of any exterior lighting to be approved. Illumination of signage would require separate consent and can be considered if/when any such application is submitted.

- 8.9 With regard to the petition submitted in objection to the development, the issues raised by the petitioners are addressed in the report above.
- 8.10 In conclusion, there are no reasonable grounds for refusal of this application and it is recommended that planning permission is granted subject to the conditions set out above.

THIS SCHEME IS SUBJECT TO LOCAL PLANNING AND ALL OTHER NECESSARY CONSENTS. ALL DIMENSIONS, SITE LEVELS AND AREAS WHERE GIVEN ARE APPROXIMATE AND SUBJECT TO SITE SURVEY UNLESS STATED OTHERWISE. ALL DIMENSIONS MUST BE CHECKED ON SITE. DO NOT SCALE OFF THIS DRAWING. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONSULTANT'S AND/OR SPECIALIST'S DRAWINGS OR DOCUMENTS. THE ARCHITECT MUST BE NOTIFIED OF ANY VARIATIONS OR DISCREPANCIES BEFORE THE AFFECTED WORK COMMENCES. ALL QUERIES RELATING TO DESIGN OF FOUNDATIONS, FLOOR SLABS AND ANY OTHER STRUCTURAL ELEMENTS ARE TO BE REFERRED TO THE STRUCTURAL ENGINEER FOR CLARIFICATION.

PLANNING



1:1250 SITE LOCATION PLAN

A	Redline application boundary revised	11.07.16
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Revision	Description	Date
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Project Client
SITE AT CULVERHOUSE CROSS

Project Title
PROPOSED REDEVELOPMENT

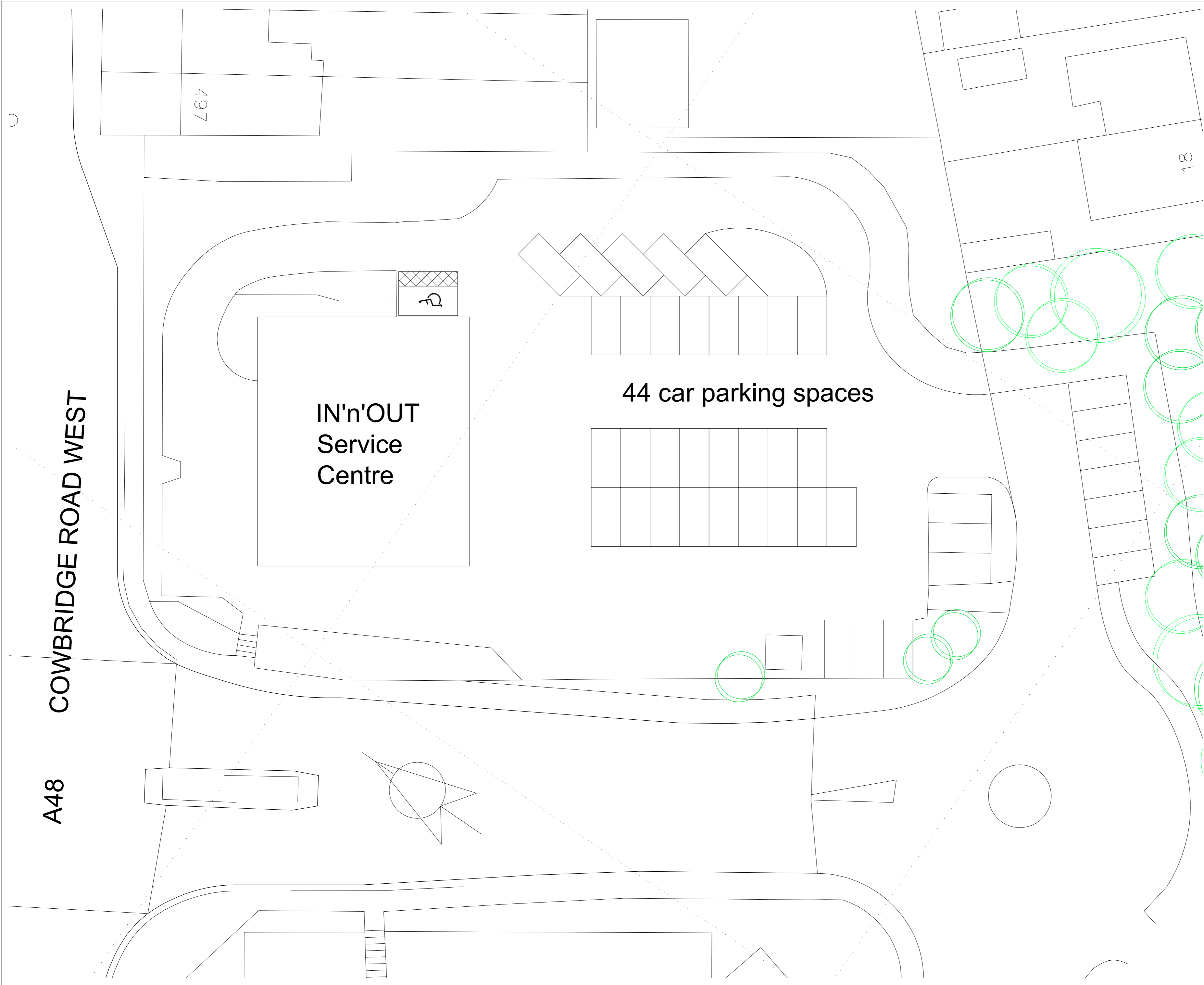
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SITE LOCATION PLAN

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Rev.No.	Checked	Sheet Size
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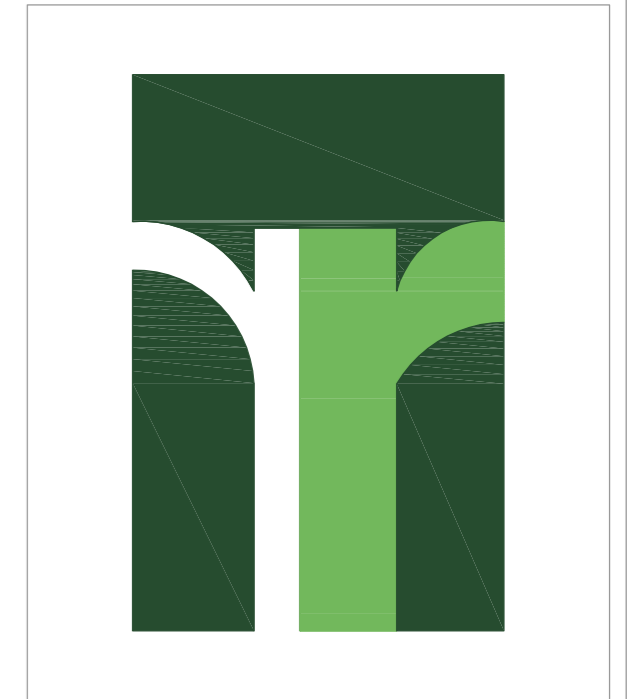




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PLANNING

Revision	Description	Date

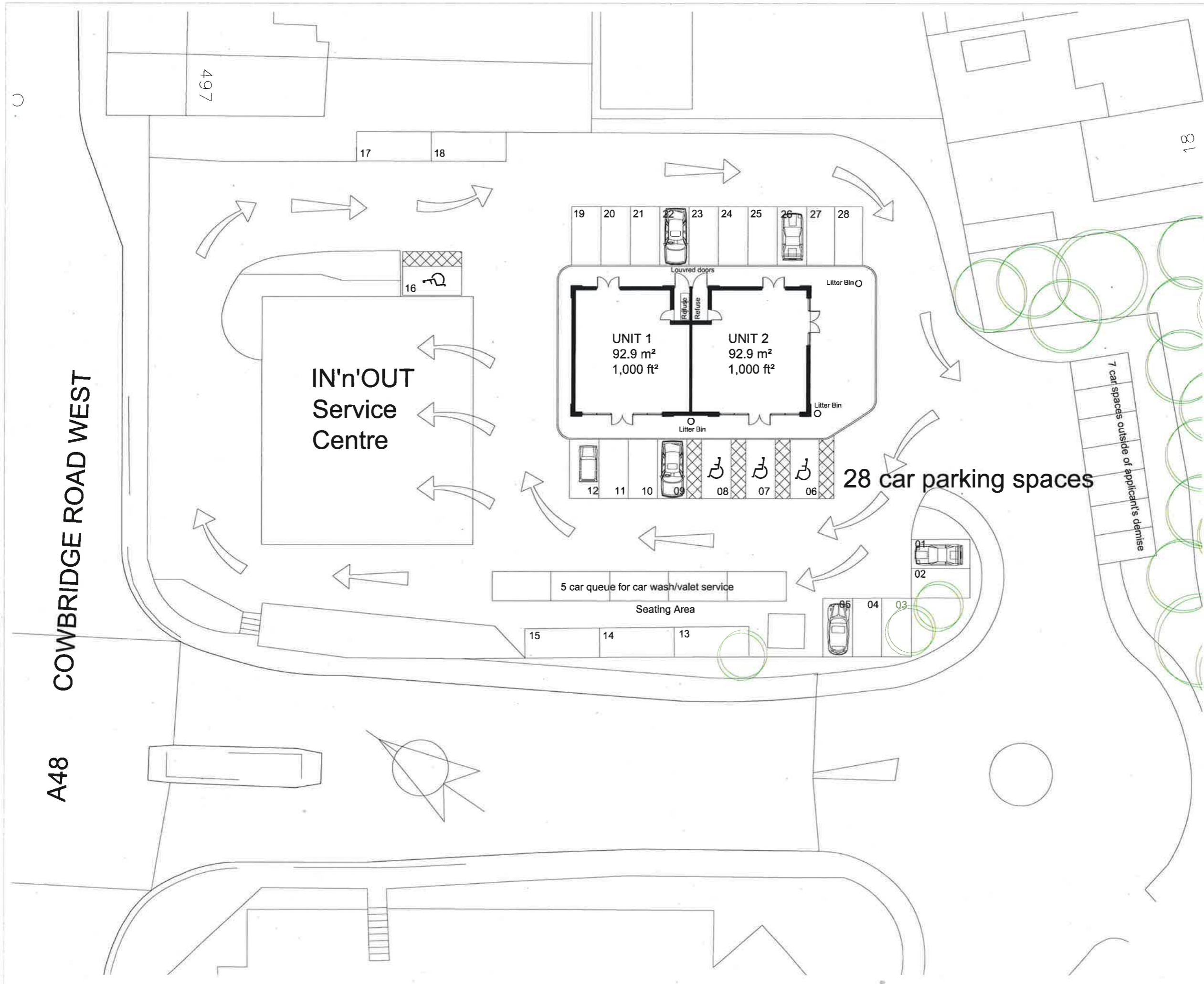


SITE AT CULVERHOUSE CROSS
PROPOSED REDEVELOPMENT

EXISTING SITE LAYOUT

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01/12/2015	15.323	PL02
Rev. No.	Checked	Sheet Size
		A2

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A48 COWBRIDGE ROAD WEST

PLANNING

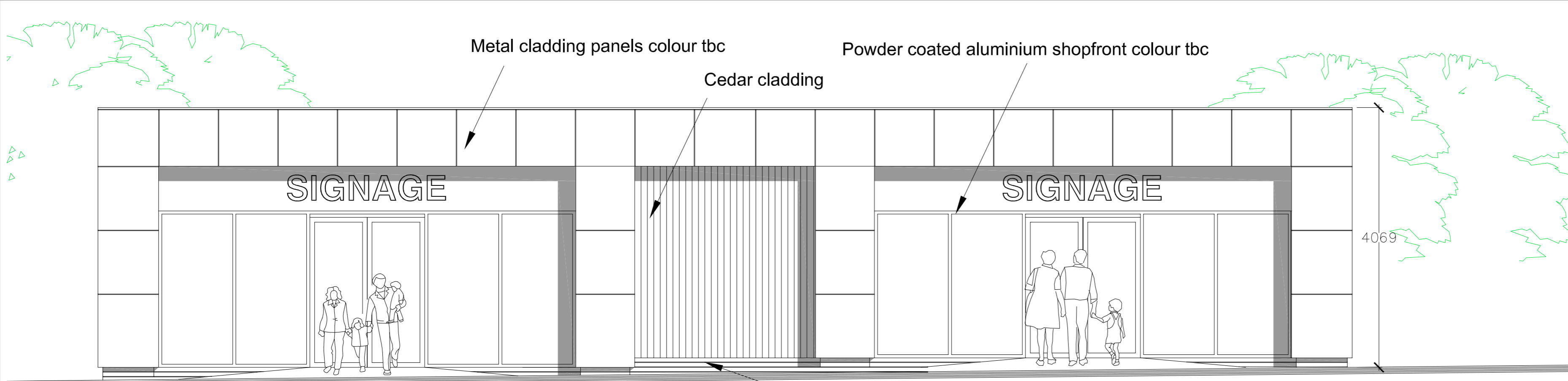
A Car spaces outside of applicant's boundary excluded from overall total 11.07.16



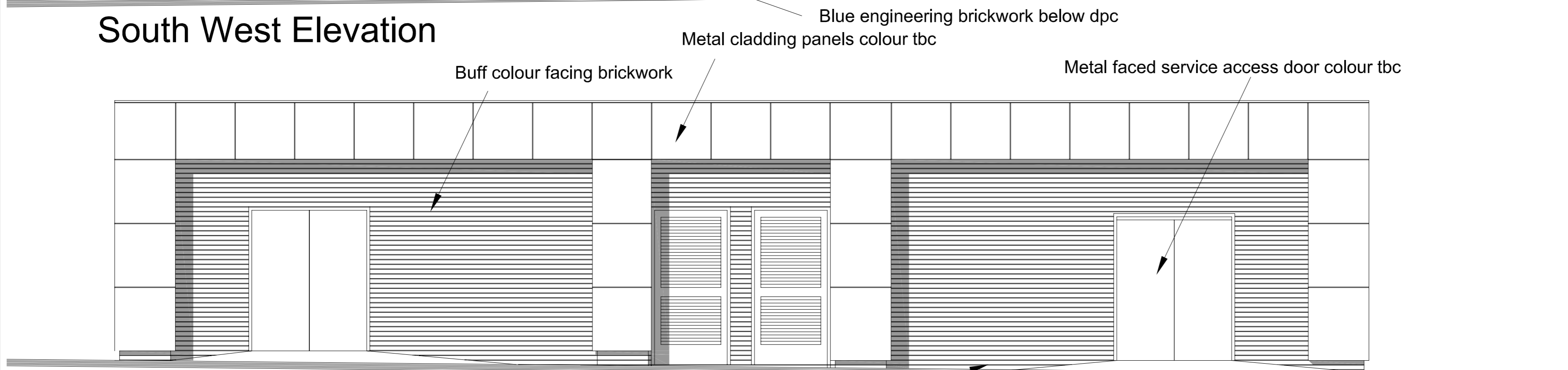
SITE AT CULVERHOUSE CROSS
PROPOSED REDEVELOPMENT

SITE LAYOUT

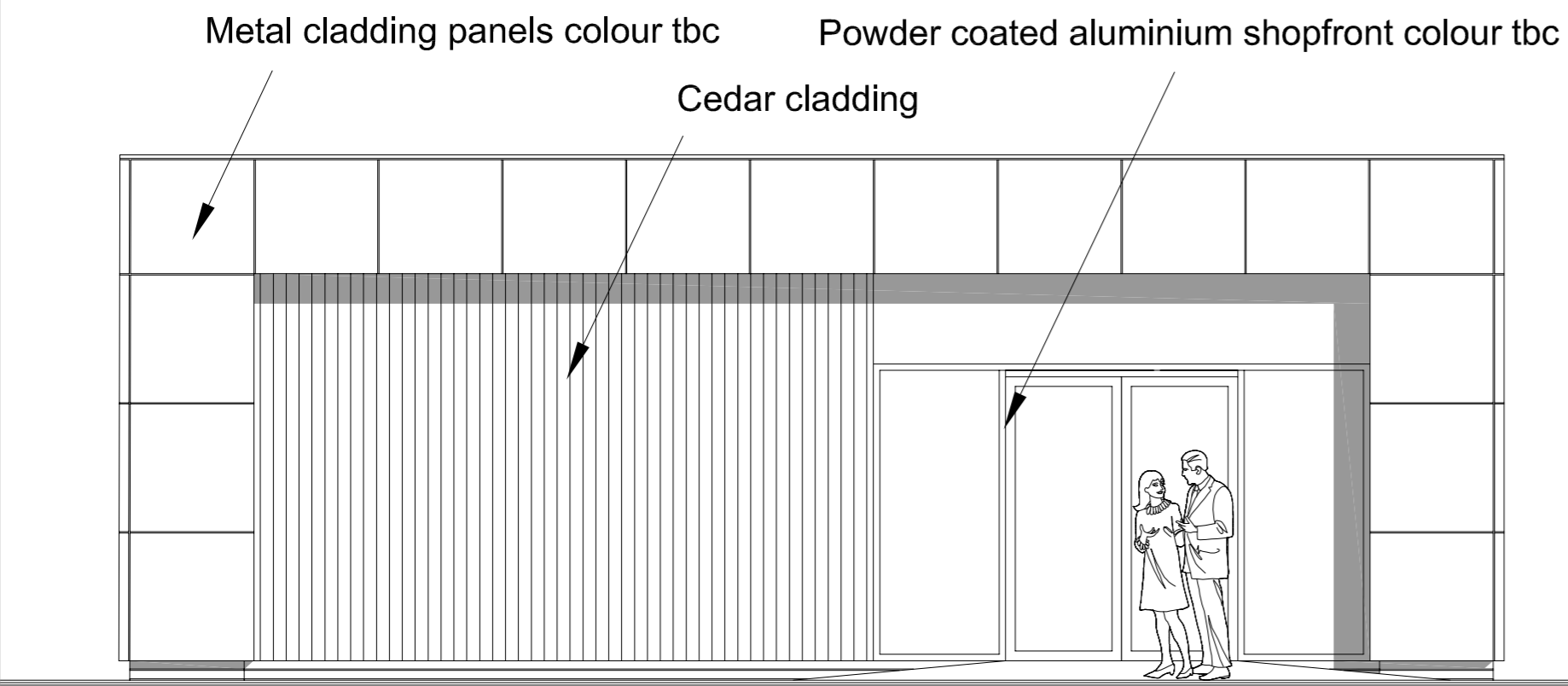
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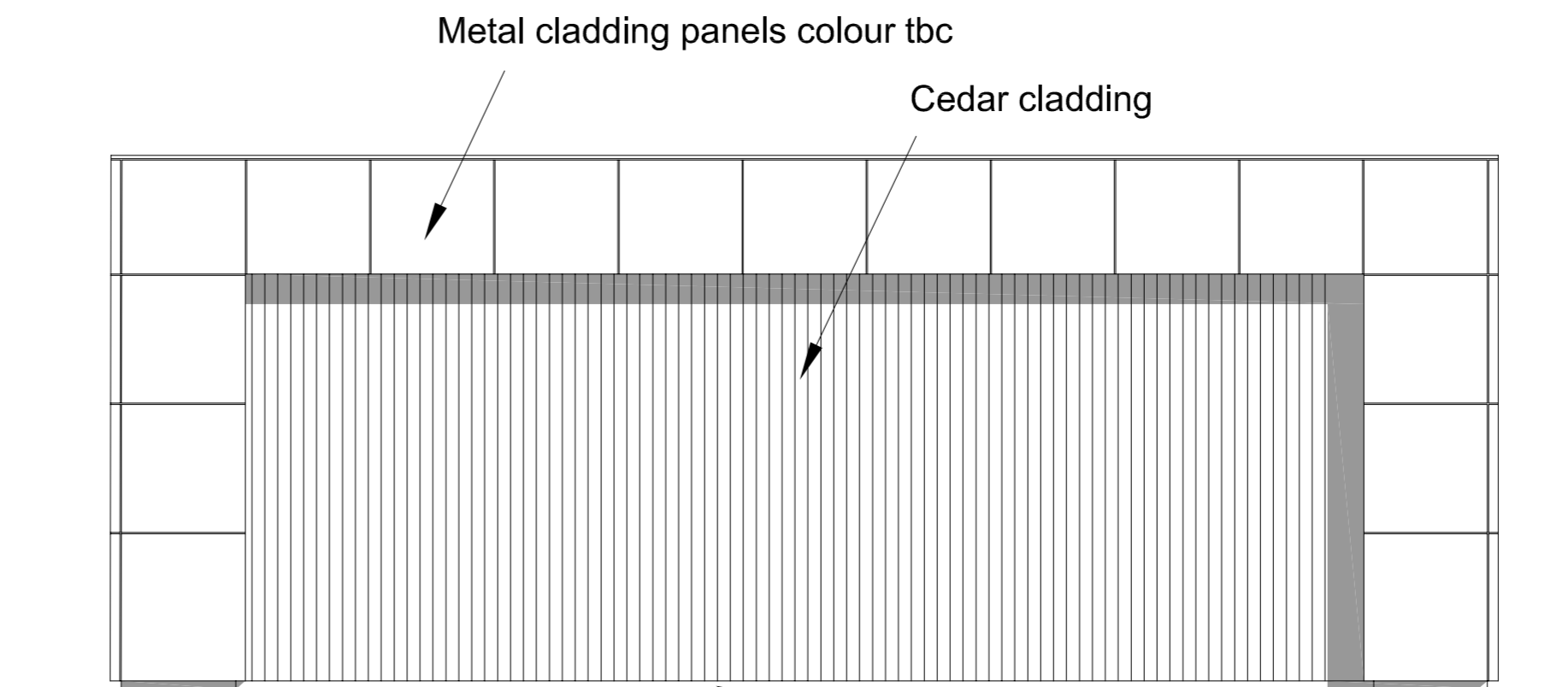
South West Elevation



North East Elevation



South East Elevation



North West Elevation

PLANNING

PLANNING

A	Louvred doors to refuse stores added	11.07.16



SITE AT CULVERHOUSE CROSS

PROPOSED REDEVELOPMENT

PROPOSED ELEVATIONS

Scale	Drawn by	
1:200	DTH	
Date	Plot No.	Planning Ref.
07/12/2015	15.323	PL05
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