

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 12/04/2017

APPLICATION No. **17/00080/MNR** APPLICATION DATE: 18/01/2017

ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: The Co-operative Group Ltd
LOCATION: PONTCANNA POST OFFICE, 89-93 PONTCANNA STREET,
PONTCANNA, CARDIFF, CF11 9HS
PROPOSAL: CHANGE OF USE OF PART OF A RESIDENTIAL FLAT
(CLASS C3) TO SHOP (CLASS A1); CONSTRUCTION OF
REAR EXTENSION; INSTALLATION OF PLANT EQUIPMENT
AND NEW SHOPFRONT

RECOMMENDATION: 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:
 - AL 01, AL05 revision D,
 - AL06 Revision B,
 - AL 07 Revision F,
 - AL08 Revision C,
 - AL09 Revision C

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. The noise emitted from any fixed plant and equipment on the site must achieve 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).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan.
4. The granting of this permission does not give consent for the proposed dedicated loading bay shown on plan number AL05 Revision D.

Reason: For the avoidance of doubt.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought to change the use of part of the ground floor flat to form part of the shop. Permission is also sought to build a single storey flat roof rear extension with associated air condition/ chiller units on the roof and a new shopfront.
- 1.2 The proposed rear extension would measure 10.3 metres in depth (at its deepest point) x 9 metres (at its widest point) under a flat roof with a height of 3.5 metres. The extension would be finished in smooth render. The extension will accommodate the following: chiller freezer, wc, staff room, bakery. On top of the proposed extension would be sited three condenser units, two air conditioning units and two satellite dishes. These units would be enclosed by timber hit and miss fencing which would have an approximate height of 1.6 metres.
- 1.3 The proposed shopfront creates a single access point, rather than the current three and will introduce a larger fascia board. The colour scheme for the proposed shop front is 'Traffic Grey' (RAL7043).
- 1.4 The application was supported by a Noise Impact assessment Version 3 dated 10th February, 2017 from KR Associates Ltd and a Transport note-December 2016

2. **DESCRIPTION OF SITE**

- 2.1 The site is a mid-terrace commercial property that is currently a Post Office store with a residential flat above. To the rear is a yard that serves the Post Office this yard also benefits from rear pedestrian access.
- 2.2 The site is located within a parade of existing shops and is within the Cathedral Road Conservation Area. No Listed Buildings are affected by this proposal.

3. **SITE HISTORY**

- 3.1 90/02139/W- Remove shopfront – approved.
- 3.2 90/ 02140/W - Alterations and extensions to provide additional retail floor space and new shopfront – approved.

4. **POLICY FRAMEWORK**

- 4.1 The application site falls within Cathedral Road Local Centre as defined by the Adopted Local Development Plan Proposals Map. The following policies are considered relevant:

Planning Policy Wales Ed. 9 (2016);
TAN 12 (Design), 18 (Transportation);

Cardiff Local Development Plan (2006-2026)

Policy KP5 (Good Quality and Sustainable Design);

Policy R5 (Local Centres);

Policy T5 (Managing Transport Impacts);

Policy EN13 (air, noise and light pollution);

Policy KP17 (Built Heritage);

Policy EN9 (Conservation of Historic Environment);

Supplementary Planning Guidance

Access. Circulation and Parking Standards (2010).

5. INTERNAL CONSULTEE RESPONSES

- 5.1 **Pollution Control:** No objection subject to a condition to limit noise from the plant/machinery (see condition 3).
- 5.2 **Operational Manager (Transportation):** In considering the application it is acknowledged that the ground floor is already lawfully in use for A1 retail, with the exception of an area associated with an A3 dwelling which the application propose to include within a reconfigured retail space. The application also includes a rear single storey extension that plans indicate will be used of storage, office and other back of house functions. The installation of plant and a new shopfront are also included in the proposals.
- 5.3 It is noted that the additional net shopfloor space, the publically accessible area, amounts to some 25 sq/m which is considered to be de minimis given the site is already A1 use and located within an existing local district centre, where such uses are considered entirely appropriate.
- 5.4 It is also noted that the submitted supporting Transport Note seeks to make the case that the delivery model of the proposed occupier differs from the existing uses on Pontcanna Street and as such a loading bay is required on the adjacent highway, even going so far as to suggest that highway safety would be compromised without this provision. However the Note includes no technical assessment or other justification to suggest why this conclusion has been reached (that safety would be compromised) and fails to appreciate that provision of a loading bay is subject to an independent legal Traffic Regulation Order process that is not dependent on the outcome of this planning application.
- 5.5 In considering the suitability of Pontcanna Street for service vehicles it is noted that the kerb to kerb width is some 9.5m, allowing 4m for parking (2m either side) leaves 5.5m of central carriageway, which is considered sufficient to allow two vehicles to safely pass; although it is acknowledged that care would need to be taken by the drivers of larger vehicles. It must also be borne in mind that this situation is far from unique in Cardiff or in connection with servicing arrangements associated with local/district centres generally.
- 5.6 Notwithstanding the submitted plans and Transport Note, I must therefore confirm that the conclusions regarding highway safety are not accepted, that

the provision of a loading bay is not within the applicant's control and would be subject of a separate application process, that the site is already in A1 use and that the circumstances in this case are not untypical. The applicant is of course at liberty to apply to the Highway Authority for a loading bay, irrespective of the outcome of this planning application.

5.7 I must therefore conclude that any objection on parking, traffic or servicing grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. I am therefore unable to sustain a highway or transportation objection to the application as submitted.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Nil.

7. **REPRESENTATIONS**

7.1 Adjoining neighbours have been notified. Also additional publicity has been undertaken by a site and local press notices. Thirty-two letters of representation have been received. All object on the following grounds:

- The loss of the post office;
- Parking from delivery lorries could block the highway in an area already suffering from parking congestion;
- Noise from the refrigeration units;
- Query why another Co-op is needed within close proximity of the current one;
- The proposed fascia sign is too large.

7.2 A petition containing 60 signatures has been submitted which objects to this application on the following grounds:

- The loss of the highly valued Post Office store;
- The use as a Co-op store, given that there is one only five minutes away; and
- Congestion caused by large delivery lorries and people trying to park in this already overcrowded and busy street.

7.3 Councillor Gordon objects to the loss of the Post Office, and states that it is not clear what the Co-op transport strategy will be i.e. how will goods be delivered to the store? from the rear or from the front? How large will the delivery van be? How often will they be coming to the store? Which will lead to parking problems within the area.

8. **ANALYSIS**

8.1 **Key issues are: land use, impact upon the character of the conservation area, impact upon neighbours' amenity and parking/highway safety.**

8.2 **Land use**

The application is located within the Cathedral Road Local Centre as defined by the Adopted LDP Proposals Map. The proposal should therefore be assessed

against Policy R5: Local Centres. This policy aims to promote and protect the shopping role of local centres while supporting a mix of appropriate uses.

Retail uses are favoured within centres, such as that proposed. The loss of the ground floor residential use would not raise any land use policy concerns, given that the residential use is to be retained at the upper floor. The retail unit is considered an appropriate scale within this designated centre.

In terms of the loss of the post office, officers note that the T&CP (Use Classes Order) 1987 defines a post office as Class A1 (Shop). The proposed Co-op store is also within the same use class A1 (shop), therefore, there is no material change in the use of the land.

Also, the planning system cannot insist that post office is retained and therefore, the post office could close at any time.

Officers also note concerns raised by residents over the location of an existing Co-op, which sited approximately 350 metres away from this proposal. However, the planning system cannot control who occupies the shop as the planning system does not seek to restrict competition.

8.3 Impact upon the character of the Cathedral Road Conservation Area

S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The character of the Conservation Area has been assessed by the Council within its adopted Cathedral Road Conservation Area Appraisal (2007).

In terms of the use: the proposal is for the unit to remain as a shop, this would be consistent with the character of the Conservation Area.

The proposed shop front is different to the existing but does retain large display windows and given the commercial character of this part of Pontcanna Street and the variety of shop fronts it is considered that the proposal would preserve the character of the conservation area.

8.4 Impact upon neighbouring properties

The proposed flat roof extension would occupy the majority of the existing rear yard with the height of the extension being 3.5 metres. Given the commercial nature of the adjoining properties along Pontcanna Street the proposed extension is not considered overbearing and un-neighbourly upon these properties. It is also noted that the nearest residential properties are sited to the west of the application site. However given the proposed height of the extension and the existing rear boundary wall of approximately 2 metres in height the proposed extension is not considered to harm their amenities

The application also proposes number of mechanical units, which will be located on the flat roof of the extension. These units would be enclosed by timber hit and miss fencing (height of approximately 1.6 metres). It is noted that these units would be within close proximity are residential properties. An

acoustic noise assessment has been submitted which concludes that the noise from the equipment is within acceptable noise limits. The Council's Pollution Control Section has been consulted and agrees with the assessment, therefore, raises no objection to these units subject to a noise condition.

8.5 Parking

Concern has been raised by residents and Councillor Gordon over deliveries and the potential to block Pontcanna Street. In front of the parade of shops are existing unrestricted parking bays that could accommodate deliveries, although it is recognised that these bays are heavily used. Also it is recognised that the post office store already exists and that it currently has deliveries, as does all the other business along Pontcanna Street, and therefore given this context concerns over deliveries are not supported. The Council Transportation Section has been consulted and raises no objections to this proposal.

If delivery lorries were to block Pontcanna Street there is other legislation to control the movement of traffic on the public highway and this is enforced by the police.

8.6 Other considerations

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.

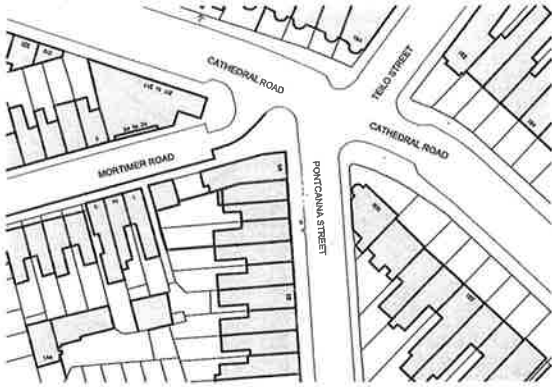
8.7 Conclusion

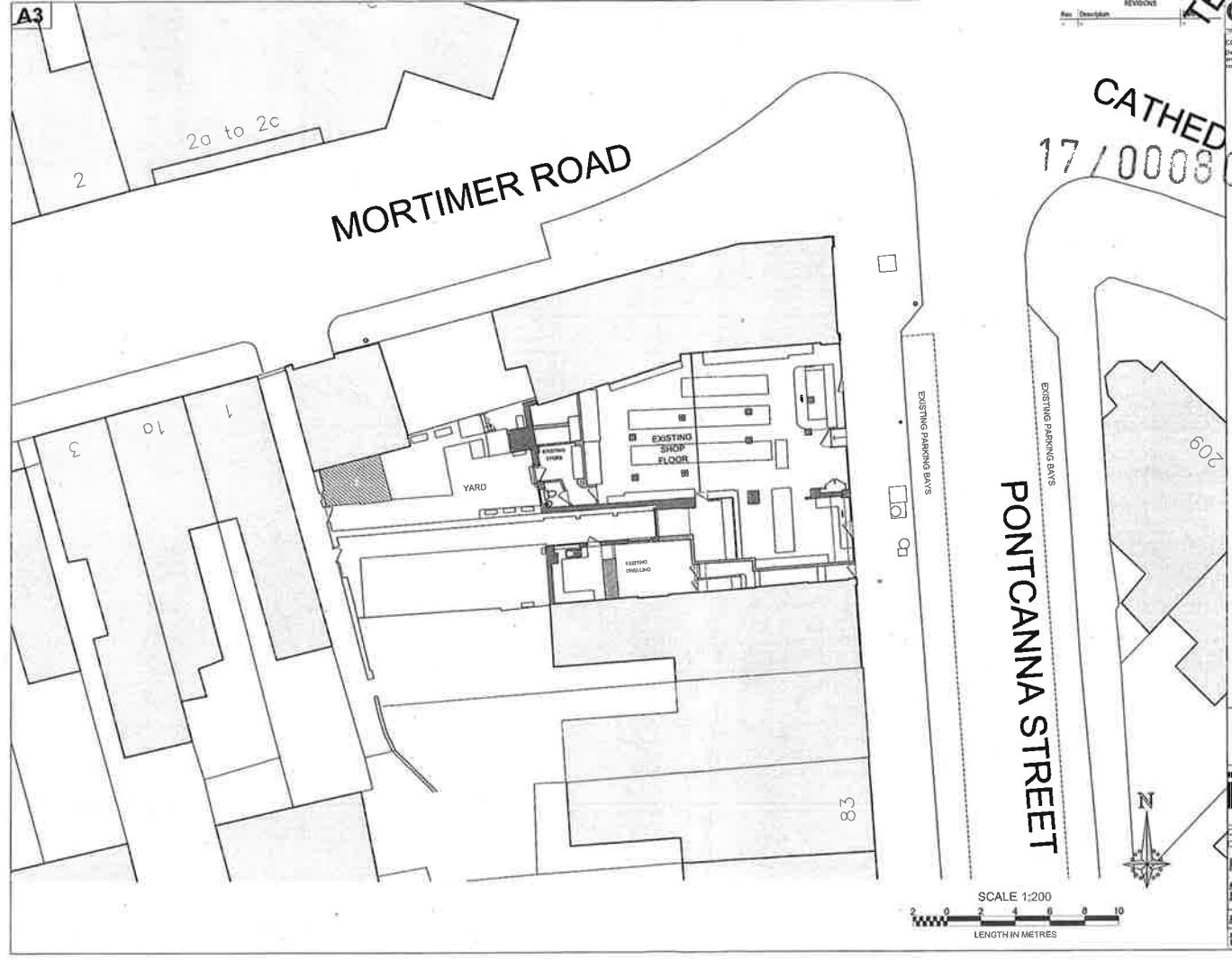
Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

REVISIONS		
Rev	Description	Date
-	-	-



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REVISED

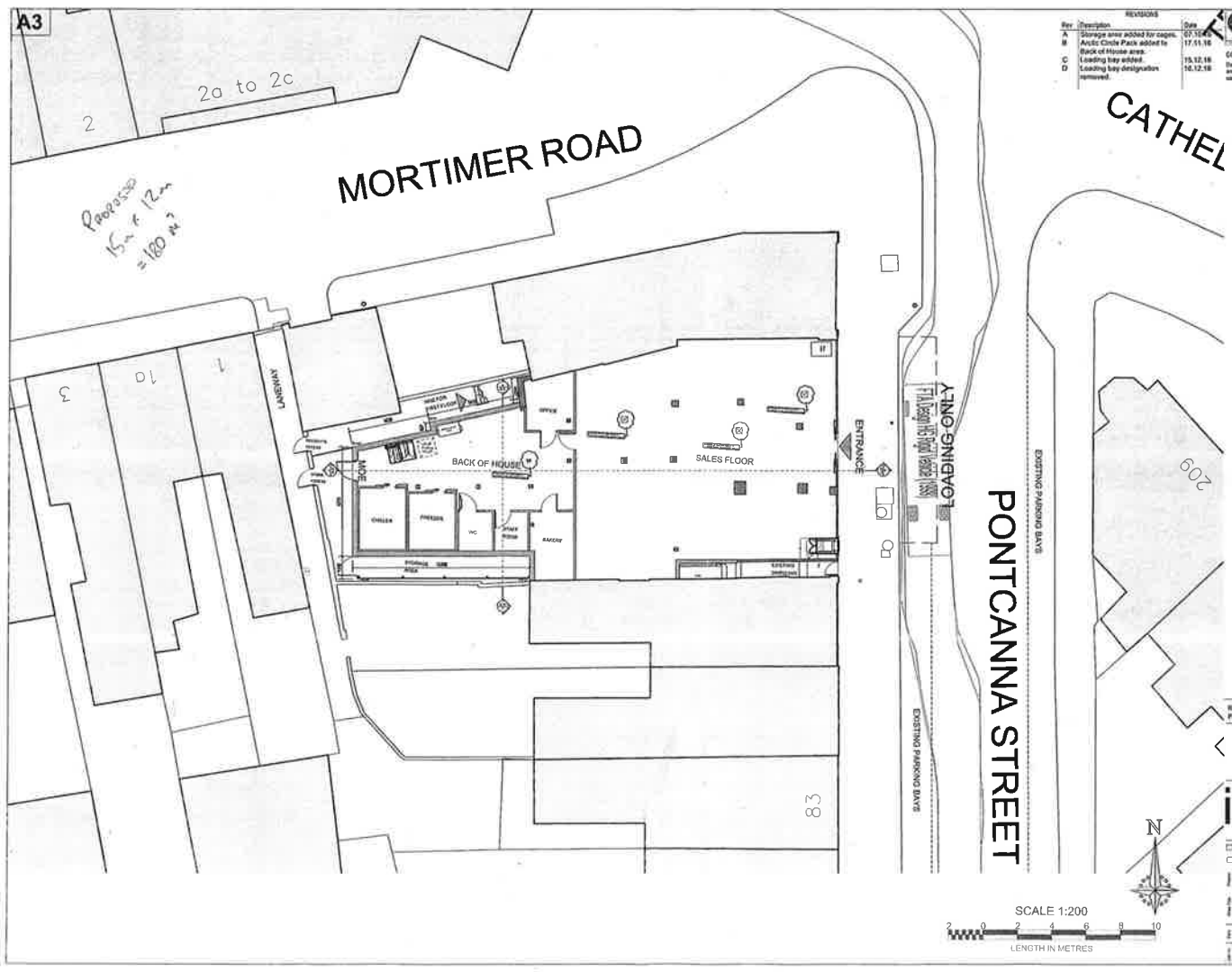
152856 AL 02

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PROPOSED COOP RETAIL STORE
PONTCANNNA STREET, CARDIFF
EXISTING SITE PLAN

30/09/2019 1:200 @ A3

152856 AL 02



REVISED

Rev	Description	Date
A	Storage area added for cages.	07.11.18
B	Auto Cycle Pairs added to Back of House area.	17.11.18
C	Loading tray added.	15.12.18
D	Loading tray design/structure approved.	16.12.18

152856 AL 05 D

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PROPOSED COOP RETAIL STORE
PONTCANNNA STREET, CARDIFF
PROPOSED SITE PLAN

30/09/2019 1:200 @ A3

152856 AL 05 D



Existing Front Elevation and Street Scene
 (Facing Pontcanna Street)



Existing Rear Elevation

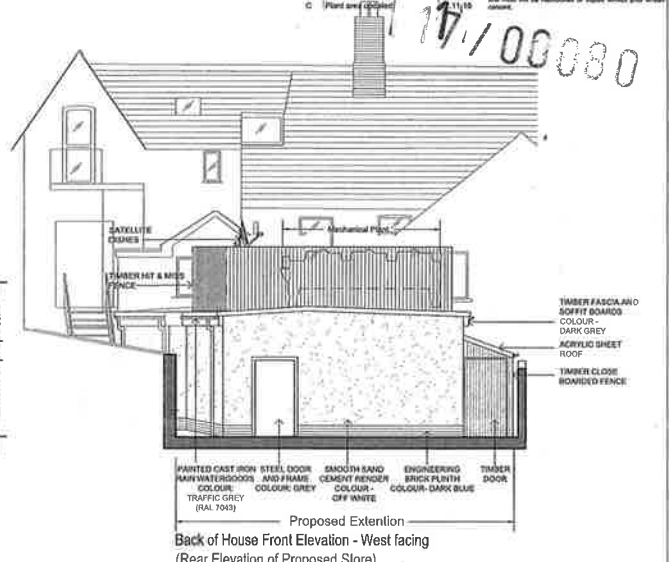
17/00080

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152856 AL 04



Proposed Front Elevation and Street Scene (Facing Pontcanna Street)

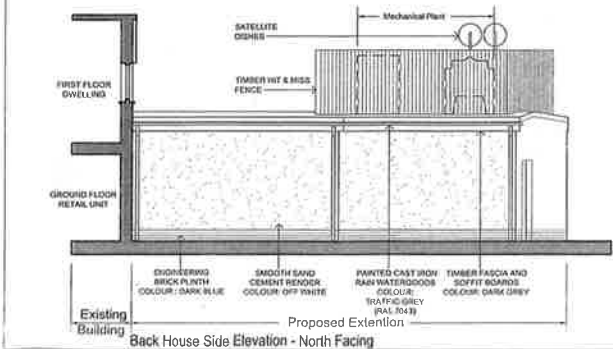


Proposed Extension
 Back of House Front Elevation - West facing
 (Rear Elevation of Proposed Store)

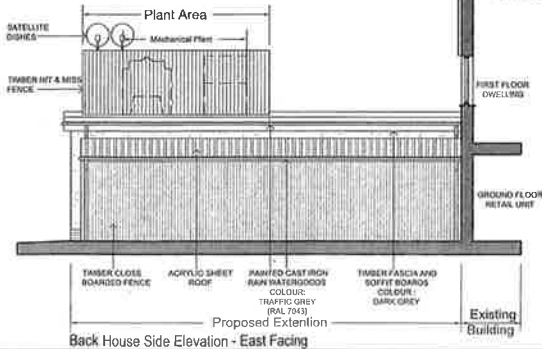
SCALE 1:100
 LENGTH IN METRES

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152856 AL 09 C



Back House Side Elevation - North Facing



Back House Side Elevation - East Facing

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