

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,
Spooher 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

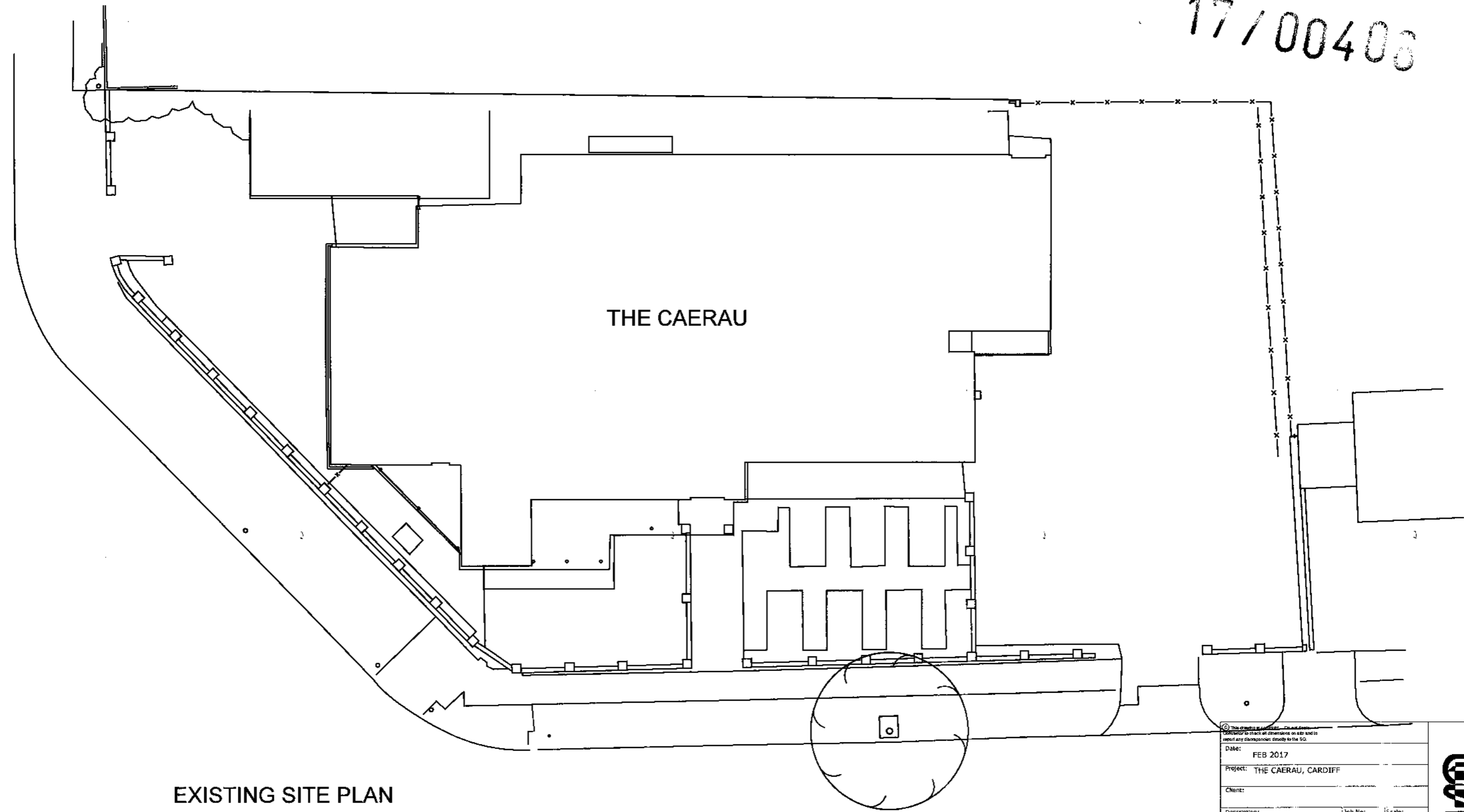









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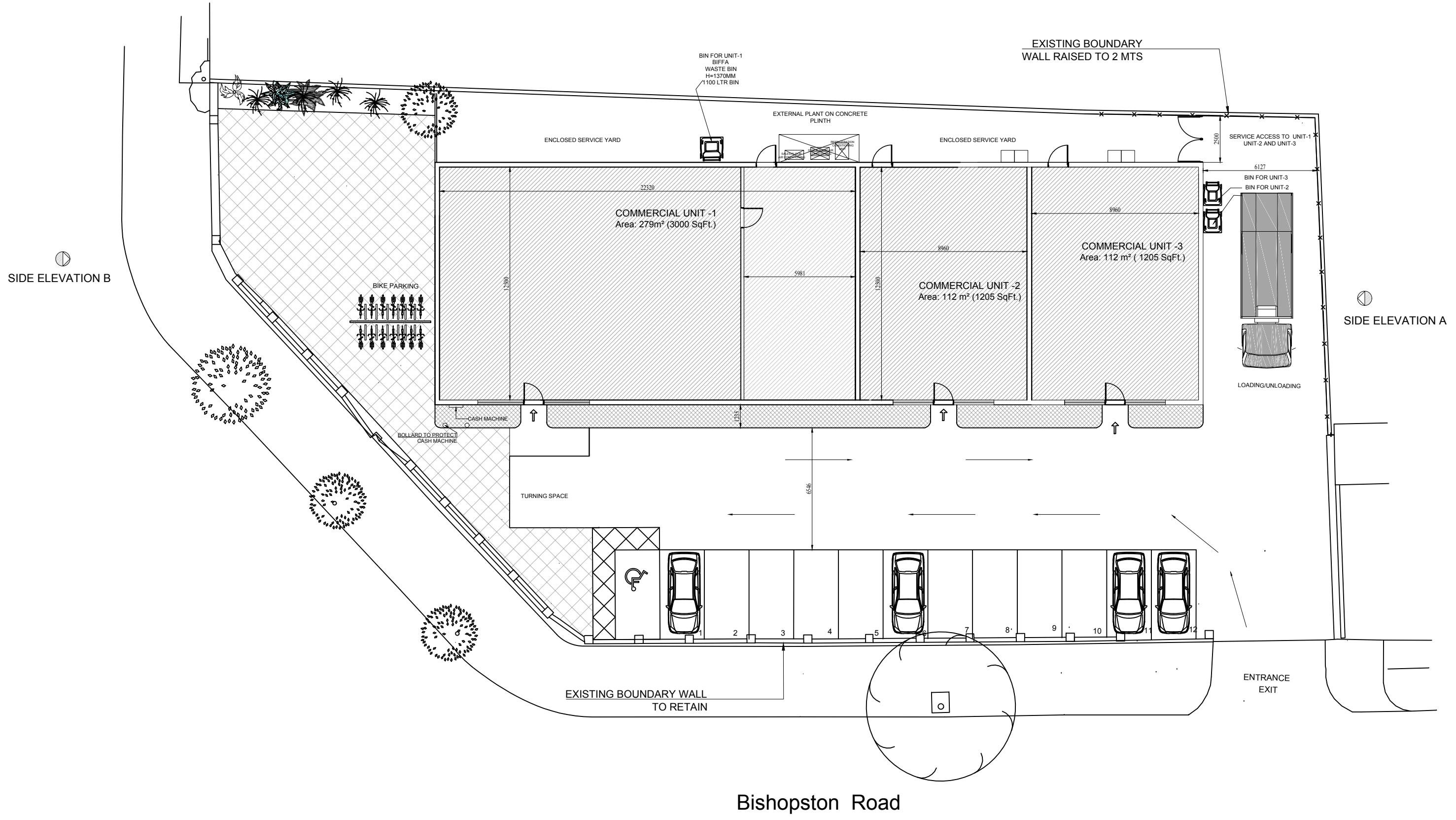


THE CAERAU

Bishopston Road


EXISTING SITE PLAN

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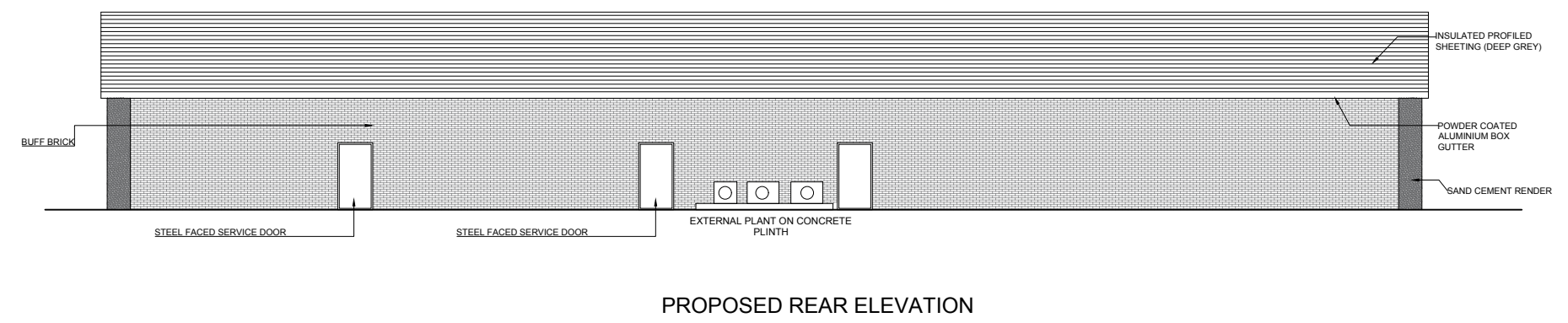
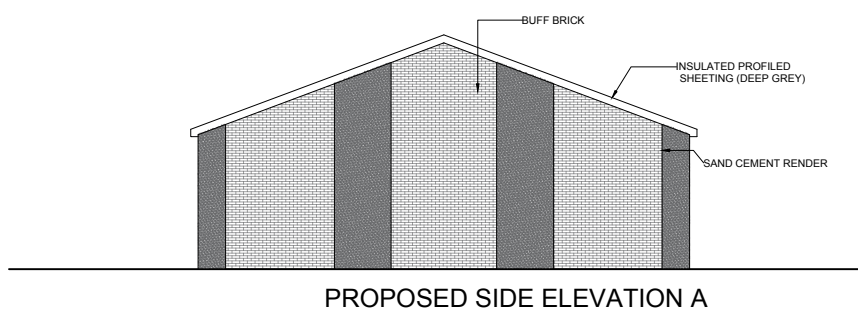
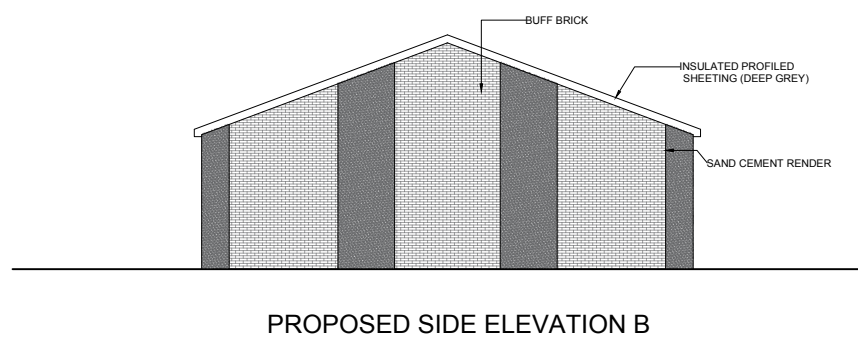
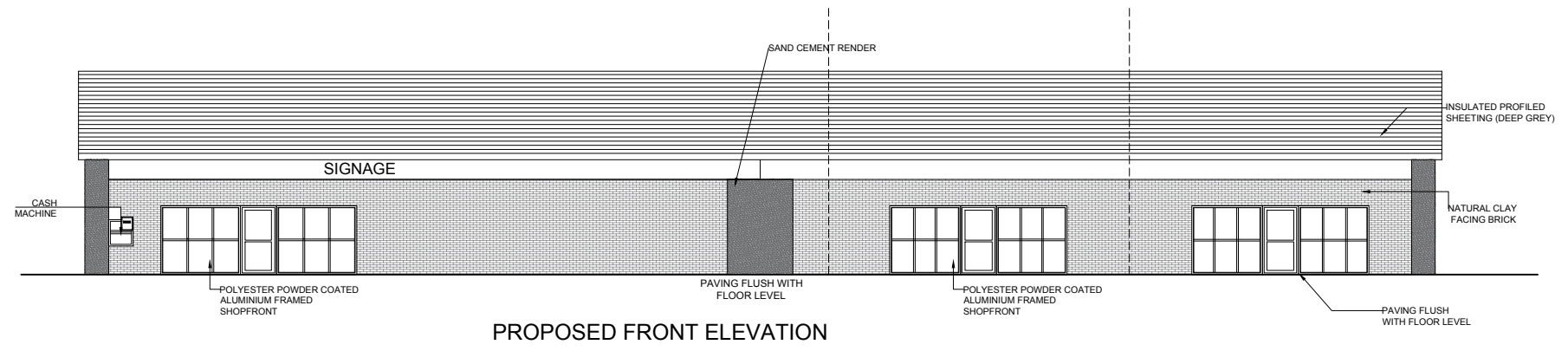


PROPOSED GROUND FLOOR PLAN


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