

**LOCAL MEMBER OBJECTION**  
**PETITION AGAINST THE APPLICATION**

COMMITTEE DATE: 20/11/2019

APPLICATION No. **19/01867/MNR** APPLICATION DATE: 02/07/2019

ED: **WHITCHURCH WITH TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: HMS Estates Ltd.

LOCATION: 6 PARK ROAD, WHITCHURCH, CARDIFF, CF14 7XD

PROPOSAL: PROPOSED CHANGE OF USE OF EXISTING A2 PREMISES TO A3 PREMISES; REFURBISHMENT AND EXTENSION OF REAR OF BUILDING TO PROVIDE THREE APARTMENTS; AND ASSOCIATED WORKS INCLUDING NEW FLUE

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**RECOMMENDATION:** That planning permission be **REFUSED** for the following reason:

1. The premises are located in a primarily residential area outside an existing district or local centre and the proposed use is considered likely to result in nuisance and loss of amenity to adjoining and nearby residents by virtue of smell, noise, and general disturbance, particularly during the evenings. The proposal is therefore contrary to Policies R8 and EN13 of the Cardiff Local Development Plan and advice given in the Council's Supplementary Planning Guidance "Food and Drink and Leisure Uses".

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application proposes the change of use of a former bank (Use Class A2) to a fish and chip shop takeaway (Use Class A3) together with an extension to the rear to provide residential accommodation for two one-bedroom apartments and one two-bedroom apartment and associated works, including a new flue.
- 1.2 The proposed hours of the fish and chip takeaway would be 11.00 am to 10.00 pm Monday to Thursday, 11.00 am to 11.00 pm Friday and Saturday and 1.00 pm to 9.00 pm on Sundays.
- 1.3 In relation to the primary elevation the application proposes to overhaul the existing ground floor shopfront, which has the distinct character of its former use as a bank, by removing the exiting cashpoint and providing a central door to the proposed fish and chip shop. The main entrance will be bounded by a glazed frontage, whilst a new door to the apartments will be installed on the left-hand side of the shopfront. Some of the existing features such as the stone columns will be retained, to maintain the existing character and signage and lighting will be provided above the shopfront. The existing ramp to the front of the premises will

be replaced by an aesthetically softer ramp with landscaping. No changes are proposed to the appearance of the second floor and in order to accommodate the residential accommodation three sky-lights will be provided in the roofspace.

- 1.4 In order to rationalise the disjointed form that has arisen from various extensions over a number of years, the majority of which are flat roofed. It is proposed the development to the rear will present a partial gable frontage, with windows to the residential properties at first and second floors. The ground floor on the lane-facing elevation will provide doors to the waste and cycle stores and a staff entrance into the proposed fish and chip shop. No directly facing habitable room windows are proposed along the side elevation.
- 1.5 Ramped access is provided for customers at the front of the property and there are two communal entrances to the flats, one from the front and one from the side lane facing elevation. Separate bicycle and waste storage is provided for the shop and the apartments both located from the rear of the premises. Vehicular access exists via a rear lane off Foreland Road and two parking spaces are provided behind the property, for use by residents of the dwellings. There is a layby to the front of the premises for public use for short-term car parking.

## 2. **DESCRIPTION OF SITE**

- 2.1. The premises are located within a parade of commercial units fronting a roundabout on Park Road. The property comprises a vacant semi-detached two-storey unit. The premises is of pitched tile roof with a single storey extended frontage and a single storey flat roofed extension to the rear and parking for two cars to the rear.
- 2.2. The neighbouring commercial uses along Park Street include a Tesco convenience store, a takeaway sandwich kiosk, a pharmacy, a butcher, an A3 café/retail store and two estate agents. Many of these uses have residential uses at first floor level. The rear of this series of properties is met by a lane. The lane is dominated by various extensions and parking arrangements associated with the aforementioned uses, creating a distinct commercial character. Beyond this to the north east are various residential dwellings situated along Foreland Road. A footway is positioned in front of the property with on street parking available on Park Street and surrounding streets.

## 3. **SITE HISTORY**

Application No :	A/02/00124/N
Proposal :	DISPLAY SIGNS.
Application Type:	ADV
Decision :	PER
Decision Date :	26/09/2002

Application No :	01/01920/N
Proposal :	RETENTION OF GREY 60CM SATELLITE DISH
Application Type:	FUL
Decision :	PER
Decision Date :	24/10/2001

Application No : 05/01952/W  
Proposal : NEW DISABLED ACCESS. CONSTRUCT NEW STEPS AND RAMP TO BANK AND RAISE A.T.M. LEVEL LANDING AT LLOYDS CHEMIST (NEXT DOOR) AND PROVIDE NEW STEPS AND HANDRAILS  
Application Type: FUL  
Decision : PER  
Decision Date : 26/09/2005

#### 4. **POLICY FRAMEWORK**

- Planning Policy Wales (Edition 10, December 2018)
- Cardiff Local Development Plan 2006-2026
  - o Policy KP5 (Good Quality and Sustainable Design)
  - o Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
  - o Policy R8 (Food and Drink Uses)
  - o Policy T5 (Managing Transport Impacts)
  - o Policy W2 (Provision for Waste Management Facilities in Development)
- Supplementary Planning Guidance
  - o Managing Transportation Impacts (Incorporating Parking Standards) (2018)
  - o Waste Collection and Storage Facilities (2016)
  - o Food, Drink and Leisure Uses (2017)
  - o Flat Conversions (2019)

#### 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Operational Manager, Transportation has been consulted and have no objection to the application subject to a section 106 agreement financial contribution of £5,000 for Traffic Regulation Orders to amend the parking control in the vicinity of the proposed fish and chip shop takeaway. They state this would be used to introduce short-stay parking immediately outside the shop and in the existing parking bay on Park Road. In addition to the limited waiting parking controls some no waiting restrictions would also be proposed to ensure sight lines and access.
- 5.2 Pollution Control have been consulted and object to the application on the grounds that the proposed development is likely to cause loss of amenity and possible nuisance in relation to noise, odour and fumes on the basis of the close proximity of new and existing residential accommodation to the development in question and general disturbance, particularly during the evenings. They state that the proposal is therefore contrary to the following policies:

##### ***Cardiff Local Development Plan***

*R8: FOOD AND DRINK USES which states that Food and drink uses are unlikely to be acceptable within or adjacent to residential areas, where they would cause nuisance and loss of amenity, or result in the loss of a residential property.*

*EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION which states that development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination.*

**Cardiff City Council's Supplementary Planning Guidance Document 2017 Food Drink and Leisure Uses states that:**

*4.23 Local Centres and smaller neighbourhood centres are generally more residential in nature, and do not have the scale or variety of retail and non-retail uses of larger centres. Therefore, A3 and commercial leisure (D2) proposals may be more difficult to accommodate, and are less likely to be acceptable on amenity grounds (e.g. potential noise and disturbance, anti-social behaviour and litter associated with this type of development proposal). As a consequence more emphasis will be placed on protecting residential amenity within these centres through restricting closing times and the type of A3 premises.*

*5.4 Applications for hot food takeaway units within close proximity to residential units will not be considered acceptable where it is considered that there may be significant adverse impacts on residential amenity, in terms of noise, odours, traffic, litter etc. which cannot be mitigated.*

*5.6 It is not normally considered acceptable to locate hot food takeaways outside of designated centres where they are directly adjacent to residential properties, or where there is a residential premises directly above the takeaway.*

In addition they state insufficient information has been submitted in relation to the proposed odour abatement to enable its potential impact to be properly assessed.

*5.7 Noise and disturbance, and other anti-social behaviour arising from customers leaving a premises at 'closing time' can cause particular problems for local residents and hotel occupiers. The proximity to residential property and thus the potential impact on residential amenity, are factors considered in assessing development proposals. In predominantly residential areas, proposals for food, drink and entertainment uses are unlikely to be acceptable. Whilst City Centre residents must expect a degree of disturbance from late night activity, this must be within acceptable limits.*

5.3 Operational Manager, Waste Management comments that the proposed area for the storage of waste and recycling has been noted and is acceptable. They also state:

*As domestic waste is not collected from lanes bins will need to be presented for collection on Foreland Road.*

*Each apartment will require the following for recycling and waste collections:*

- 1 x 140 litre bin for general waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

*The storage of which must be sensitively integrated into the design.*

*The kitchen should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.*

*Refuse storage, once implemented, must be retained for future use.*

*Please advise the owner/applicant that since 27<sup>th</sup> July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.*

*Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) for further relevant information.*

## **6. EXTERNAL CONSULTEE RESPONSES**

### **6.1. South Wales Police have no objection to the application and state:**

*Whitchurch is a large residential area of Cardiff, located on the North of the city. South Wales Police comment that the Whitchurch area of Cardiff is an area of mixture residential, commercial developments and has an entertainment and night time economy area. Park Road, Whitchurch is surrounded by residential and commercial properties. Park Road is a commercial property, overlooking other residential homes/flats.*

*Whitchurch has crime and disorder levels which could be described as low with 360 occurrences being recorded in 2018 .Park Road has 9 recorded occurrences of which 3 were violence related and 4 were anti-social behaviour and 2 were drugs related. The major concern raised in the area is car parking, whilst the drivers or residents are collecting food and attending other commercial properties.*

*South Wales Police would make the following recommendations;*

1. *Times operation- 08.00 -23.30 hrs.  
Reason -To reduce anti-social behaviour and residential amenity.*

## 7. **REPRESENTATIONS**

- 7.1 The application was advertised by site notice and neighbouring occupiers have been consulted by letter.

### **PETITIONS**

- 7.2 One petition of 51 signatures objecting to the application has been received from local residents stating:

*We object to the application for a number of reasons, as set below.*

#### ***Cardiff Local Development Plan 2006-2026***

*Whilst the site falls within the settlement boundary, the property is within a predominantly residential area outside of any defined District or Local Centre, or other designated centre defined in the Local Development Plan.*

*Therefore the provision of a Class A3 Use (Chip Shop) in this location is contrary to Policy R8 which states that new food and drink uses will be most appropriately located in the City Centre, Cardiff Bay, as well as District and Local Centres, not in predominantly residential areas.*

*Furthermore, the proposed Class A3 element of the scheme does not accord with the criteria as set out in Policy R8 relating to matters on amenity considerations, highway, crime and fear of crime as well as not causing nuisance.*

*Supporting Paragraph 5.294 also reiterates that 'Food and drink uses, including restaurants and hot food take-aways, are better located in designated centres where they can complement and enhance the existing shopping role, increase footfall and are accessible by public transport. Such uses are better located in designated centres than residential areas because of the impact they can have in terms of vehicular and pedestrian traffic, noise, fumes, litter and late night disturbance'.*

*Concerns regarding these matters are outlined:*

#### ***Amenity***

*With regard to environmental health and amenity issues, it is considered that the proposed Class A3 use would not be acceptable for this location and would result in adverse amenity impacts by virtue of the opening hours, highways, crime/late night disturbance, litter and waste.*

#### ***Opening Hours***

*We note that the proposed opening hours are:*

- 11.00 - 22.00 Monday to Thursday
- 11.00 - 23.00 Friday to Saturday
- 12.00 - 21.00 Sunday.

*The argument that the property was formally a Bank and had visitors is noted; however*

*the times proposed are clearly an unacceptable extension to those of the former bank. Whilst we note that Tesco has late opening hours, the remaining other commercial properties are generally closed by 18.00, and therefore the proposed late night opening is completely inappropriate for a Class A3 Use (Chip Shop) providing a takeaway service in a residential location.*

#### *Fear of Crime*

*Given the location, and the proposed opening times, it is considered that the proposal would generate and increase the fear of crime as it would encourage the congregation of visitors outside of the premise, which could be as late as 23.00. There is no enforceable way to restrict this congregation at what will essential be a late night takeaway venue.*

#### *Highway/Transport*

*In terms of concerns relating to highway matters we note the concerns raised by the objector's regarding the parking situation. We agree with these concerns, and the complete lack of understanding of the current situation.*

*We also note that the Transport Statement from Hydrock does not provide sufficient evidence regarding their assessment to sufficiently address the concerns raised by the Highways Officer as part of the Pre Application Submission. The application is therefore contrary to PolicyTN5.*

#### *Litter/Waste*

*Policy EN 13 outlines that development will not be permitted where it would cause or result in unacceptable harm to health or local amenity because of air, noise, or light pollution. Whilst not all of these matters are relevant, it is proposed that the provision of a Class A3 use (Chip Shop) has the potential to generate significant waste and litter, as well as the increase in noise from those visitors at the Chip Shop until 23.00 on some nights. Clearly this is not appropriate for a residential location.*

#### *Competition*

*Whilst we appreciate that competition is not a planning matter, it is notes that there are sufficient operators providing Class A3 use in the local vicinity.*

#### *Relevant Planning History*

*The Council will be full aware of the recent refused application at 30 Fishguard Road, Llanishen (Ref: 19/06/2019) for the provision of a change of use from retail to a Class A3 takeaway. Many of the points raised above are similar to the assessment undertaken at the refused scheme. It is therefore considered that a precedent for refusing this type of inappropriate development has been established.*

*Overall the proposal would be contrary to Policy R8: Food and Drink Uses in that food and drink uses are most appropriately located in the city centre (Central Business Area), the inner harbour/waterfront area of Cardiff Bay (Bay Business Area) and*

*District and Local Centres. Clearly this is not the case, in a predominantly residential area, and will create a number of amenity concerns.*

### **Food, Drink and Leisure Uses Supplementary Planning Guidance - November 2017**

*The Food, Drink and Leisure Uses SPG (November, 2017) reiterates the approach to the Local Development Plan.*

*Paragraph 5.4 confirms that 'Applications for hot food takeaway units within close proximity to residential units will not be considered acceptable where it is considered that there may be significant adverse impacts on residential amenity, in terms of noise, odours, traffic, litter etc. which cannot be mitigated'.*

*Furthermore, paragraph 5.6 states that 'It is not normally considered acceptable to locate hot food takeaways outside of designated centres where they are directly adjacent to residential properties, or where there is a residential premises directly above the takeaway'.*

*Whilst paragraph 5.7 outlines that 'Noise and disturbance, and other anti-social behaviour, arising from customers leaving a premises at 'closing time' can cause particular problems for local residents and hotel occupiers. The proximity to residential property and thus the potential impact on residential amenity, are factors considered in assessing development proposals. In predominantly residential areas, proposals for food, drink and entertainment uses are unlikely to be acceptable'.*

*With regard to opening hours, paragraph 5.24 notes that they 'can significantly affect the potential impact of proposals on the shopping role and character of an area, amenity, or highway safety. In general, daytime A3 uses such as cafes are supportive to the shopping role of centres and have less of an impact on local residents. In contrast, evening time A3 activity can create disturbance and in so doing harm to residential amenity*

### **Reason for Refusal**

*Further to the information provided above, it is our recommendation that the application be refused, and we provide the following valid reasoning:*

*The premises are located outside an existing district or local centre and the proposed use is considered likely to result in nuisance and loss of amenity to adjoining and nearby residents by virtue of smell, noise, and general disturbance, particularly during the evenings. The proposal is therefore contrary to Policies RB and EN13 of the Cardiff Local Development Plan and advice given in the Council's Supplementary Planning Guidance "Food and Drink and Leisure Uses".*

### **OBJECTIONS**

- 7.3 An objection to the application has been received from the Local Members Councillor Michael Phillips and Linda Morgan who state the following:

*We are writing in support of local residents' objections to this planning application, which is not suitable in a residential area.*

### ***Residential area and amenity***

*Park Road sits within a residential area of Whitchurch. It is framed by tree-lined residential streets, Whitchurch Library and the Library Gardens. Many of the homes date back to the establishment of this area of Whitchurch, built from the early 1900s.*

*Cardiff Council's Food Drink and Leisure Uses SPG give clear guidance at 3.1 that developments of this nature are most appropriately located in District and Local Centres, which this location is not.*

*3.2 states 'Food, drink and leisure uses are unlikely to be acceptable within or adjacent residential areas, if they would cause nuisance and loss of amenity to residents (please see Section 5 for further details); or result in the loss of a residential property. In the interests of good placemaking (see para 1.4 [above]), some flexibility will be applied to larger residential or mixed uses development proposals outside of existing or proposed Centres, subject to detailed considerations and where it can be demonstrated that amenity concerns would not arise.'*

*In deciding on the merits of 14/02259/DCO at 12 Park Road both points are acknowledged, and planning restrictions are placed on the specifically to exclude the type of fast-food outlet proposed with the application at 6 Park Road from operating at 12 Park Road.*

*We ask that consistent application of these guidelines is given otherwise we the loss of amenity that gave concern there will manifest from this application. If permission is granted, we would rightly expect an appeal or re-application for the same extended use at 6 Park Road, causing further loss of amenity.*

*More recently, a similar application for change of use, 19/00459/MNR, was refused by the planning authority citing that the premises are located in a primarily residential, are outside and existing district or local centre, and the proposed use was considered likely to result in nuisance and loss of amenity to adjoining and nearby residents by virtue of smell, noise, and general disturbance, particularly during the evenings.*

*The decision notice further states the proposal is contrary to policies R8 and EN13 of the Cardiff Local Development Plan and advice given in the Council's Supplementary Planning "Food and Drink and Leisure Uses".*

*The same consideration should be applied to the application at 6 Park Road.*

*We would also draw your attention to the numbers of residential properties in flats above the small parade of shops and the statement within the "Planning Statement" at 2.3 that the lane at the rear of these properties is within 'a distinct commercial character'. This lane is actually an adopted highway leading to a residential home located behind 16 Park Road and bordered by a long, green garden, with large mature trees, from the first home in Foreland Road.*

*This description would appear to be an attempt to reclassify the area's character for the purposes of this application.*

*The Planning Statement at 2.6 considers Park Road to be a continuation of the District Centre. The decision of 19/00459/MNR acknowledges the location is a residential location not a District Centre. The documentation of planning history at 2.12 - 2.15 does not acknowledge the most relevant history of 19/00459/MNR or 19/00459/MNR.*

### **Parking and Traffic**

*With respect, the applicants claim of 71 parking spaces being available within the immediate area is disrespectful to residents in the area who are already blighted by traffic levels and parking issues. Anyone who knows this area will be aware that parking demand for the existing precinct of shops and the services provided by the Church already causes significant impact.*

*Whitchurch PACT meetings are frequently presented with resident complaints about pavement parking, blocked driveways and to some degree blocked roads.*

*Kelston Road and the residential parking bays on Velindre Road are quite frequently used as parking locations from shoppers at the Tesco store.*

*The junction at Foreland Road and Tyn-Y-Pwyll Road is almost continuously hindered by drivers parking at or on the junctions and from delivery lorries queuing to deliver to the Tesco store. Where and when additional commercial deliveries can be affected to the applicant's business, in a residential area, is debateable.*

*The appendix to this letter shows a selection of parking infringements and inconsiderate parking in the immediate vicinity of the site. These are not selective but show a representative view of the everyday and all-day issue of parking because there are not 71 parking space opportunities in the area.*

*The Transport Statement at 5. outlines the parking available along the surrounding residential streets, however these spaces are already used almost continuously. There is no possible guarantee that users of the Chip Shop will be able to access them.*

*As less parking spaces are planned for the residential units (2) than the number of units (3), it is likely that there will be further overspill onto the residential streets from new residents and staff, for whom no parking provision is provided.*

*The Transport Statement at 2.4 presents a happy view of road safety in the area and we would concur, if reported incidents are the only measure. However, planning authorities must take note of local knowledge. The roundabout and the five zebra crossings are the subject of daily, frequent near misses. Cllr Phillips has experience numerous very dangerous experiences including twice having to pull a child out of the way of vehicles accelerating away from the roundabout where the drivers have no regard to pedestrians already on the crossing. This appears to be a consequence of the crossing being on a main thoroughfare where drivers are travelling through the*

*village to other destinations rather than recognising the residential environment.*

*One photograph in the appendix shows the result of this attitude where a driver lost control of a silver Golf, alighting the roundabout onto Penlline Road, destroying the zebra crossing light post and the Church Wall and railings. This occurred early on a Saturday evening and children had just crossed at this point.*

*Sometimes, when residents says that a road is dangerous, because of how human nature increasingly gives less consideration to others safety, statements such as “an accident waiting to happen’ are worthy of consideration.*

*Increased traffic and parking, causing less sighting and increased frustration for drivers will cause further safety concerns to residents, where already vehicles are parked across disabled access ramps, zebra crossings and pavements.*

*For the reasons stated we ask that you refuse permission for this application and should officers be minded to advise approval for this scheme, we request that the application is brought before planning committee.*

- 7.4 The following objection on grounds of highway access and safety, parking availability and impact on residential amenity was submitted by a planning consultant on behalf of the owner of the adjacent semi-detached property at 8 Park Road

***Highway Safety and Parking***

*The proposed change of use is situated on Park Road approximately 1.5km from Junction 32 of the M4 and in immediate proximity to a roundabout, linking to Penlline Road to the south. No.6 Park Road sits amongst a parade of commercial units which include a hair salon, an estate agent, a gift and coffee shop, a butcher, a pharmacist and a Tesco Express store. There are flats above some of the commercial units and residential properties to the rear.*

*The addition of a fish and chip shop to the parade of commercial units on Park Road is likely to increase the traffic flows and congestion along this already busy route, with visitors ordering and collecting food and service vehicles carrying out deliveries. The Transport Statement from Hydrock predicts the fish and chip shop could generate 28 vehicle arrivals during peak times. Given the nature of takeaways compared to restaurants, for example, many of these arrivals will be short-term visitors. Yet parking spaces on Park Road are extremely limited. This is concerning from a safety perspective because short-term visitors may park precariously on the street, parking bay or roundabout, causing obstruction and hazards to vehicles and to pedestrians using the zebra crossing opposite the site.*

*The Transport Statement from Hydrock outlines that there are numerous other parking spaces available on nearby Penlline Road, Velindre Road, and Foreland Road. However, it is not guaranteed that visitors will be aware of or use these spaces. Therefore, this development and its associated traffic and parking issues is considered to conflict with Policy T5 (Managing Transport Impacts) of Cardiff’s Adopted Local Development Plan. This policy states that new development must avoid unacceptable harm to the safe and efficient use and operation of the road, public transport and other movement networks.*

*Cardiff Council's Supplementary Planning Guidance on Managing Transportation Impacts (approved 19th July 2018) advises that by increasing traffic flows or turning movements, new developments can potentially impact on the function of the highway, making roads busier and less safe and attractive as places and for people cycling and walking (paragraph 3.1). The SPG goes on to advise that in considering development proposals, the Council will assess the impact of developments on the function of roads directly serving a development, within the immediate vicinity of the site and within the wider highway network.*

*Parking for No. 6 Park Road, and the other adjoining commercial units, is provided at the rear of these properties and accessed from Foreland Road. Currently, parking availability is already very restricted, with cars typically parked in front of one another due to a lack of sufficient space. The application proposes just two parking spaces for three apartments with no provision for visitor parking. The aforementioned SPG suggests that for the application proposals, 4 parking spaces would be appropriate (Table P.9). It is recognised that the Council's parking standards are maximum parking standards however it is considered that there should, at the very least, be one parking space per apartment. The SPG acknowledges that excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car however it also recognises that there is a need to manage pressures on on-street parking spaces and negative impacts of oversubscription of space including congestion, hazards, visual intrusion and harm to residential amenity (paragraph 6.1)*

### **Amenity**

*The proposed change of use also raises concerns about impact on amenity as a result of noise and nuisance from late night opening and smells from food cooking. Policy R8 (Food and Drink Uses) states that A3 uses such as a fish and chip shop are appropriately located in district and local centres subject to amenity considerations, highway matters, crime and fear of crime considerations. Park Road itself is not designated as a District Centre.*

*The proposed opening hours of 11am-10pm Monday to Thursday; 11am-11pm Friday and Saturday; and 12pm-9pm Sundays will result in noise disturbance for neighbouring residents. This disturbance will be particularly adverse during the evening and night-time. The presence of customers at these unsociable hours may increase the likelihood of anti-social behaviour in the vicinity, which can impact crime and fear of crime among residents. This is particularly relevant for the older members of Whitchurch's community and their sense of safety and security. The shop's operation is likely to involve unpleasant odours that can affect residential amenity, as well as an increase in littering on the street.*

*The potential for impact on amenity has been recognised previously by your Authority when it considered an application for the change of use from A1 to A3 at 12 Park Road (Ref: 14/02259/DCO). Although planning permission was granted, the planning officer in their delegated report recognised that an unrestricted change of use to A3 would be unacceptable in this location due to the impact on residents of noise, general disturbance and smell from the premises. However, because the proposals didn't involve the cooking of hot food and the opening hours would be restricted, via planning conditions, the LPA considered there would be no reasonable grounds for refusal. There has been no change in circumstances since the application for No.12 Park Road was considered. It follows therefore that if the LPA were to apply the same considerations to the application f that it would be deemed unsuitable due to the fact*

*that it's a hot food takeaway and involves late night opening hours.*

*It is also considered that the extension to the rear of the property would have an overbearing impact on our client's property as well as those of adjoining properties on Park Road due to the very limited space available currently. As previously mentioned, car parking availability and access to the rear of the site would be restricted even further as a result of this development. The client's car park immediately joins the proposed extension, meaning the proposal is in conflict with Policy R8 and KP5. It is our view therefore that the rear extension constitutes overdevelopment of the site. For the reasons stated above, the following policies are applicable to the proposed development:*

- **Policy R8** states that development will be acceptable providing it does not adversely affect the living environment of nearby residents.

- **Policy EN13** states that development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination.

- **Policy KP5** states that all new development is required to be of a high quality, sustainable design and make positive contribution to creation of distinctive communities, places and spaces by ensuring no undue effect on amenity of neighbouring occupiers.

- **SPG Food, Drink and Leisure Uses** states that:

- *Where there are residents living in flats above takeaway, conditions may be imposed to restrict hours of opening and noise.*

- *Unacceptable harm regarding noise disturbance can result from intensification of an existing operation and/or volume of vehicles and pedestrians generated.*

- *There is a growing concern that food and drink uses (hot food takeaways / drinking establishments), and leisure-related facilities that cater predominantly for the younger people, and in particular, young circuit-drinkers discourage older people and families.*

*Finally, whilst we acknowledge that this is a legal issue rather than a planning issue, our client would like to make you aware of their concerns about how the integrity of their building and abutting walls will be affected as a result of the proposed construction. In particular, the interference and potential damage that this may cause to their property. The client expects that they and their tenants would be protected from disturbance during any construction works by appropriate planning conditions, if the application were to be approved.*

*We trust that you will take the above concerns into consideration when determining the application and urge you to refuse permission on the grounds that the application would result in highways safety and access issues for the public; parking issues and a negative impact on the local amenity.*

7.4 In addition to the petition 31 individual objections have been received to the application from local residents. A summary of the issues raised is included below:

- **Traffic and Parking Implications** – There is Insufficient parking in the area which will lead to parking problems on a busy roundabout and surrounding streets causing a nuisance to residents, as drivers frequently block entrances and driveways and raising highway safety issues for both pedestrians and other road users. This Tesco store already causes significant parking problems which will only be exacerbated by this application proposal. An extract of one of the objections is included below:

*It is well known that this area struggles to cope with traffic volume, particularly due to its proximity to Velindre Hospital. This has been widely recognised and is one of the reasons why a more appropriate site is being sought for the hospital. We have witnessed patients being unable to find places to park in the hospital car park, resulting in the need to park in the adjacent streets.*

*We consider that the Transport statement accompanying the planning application is flawed and does not adequately consider the impact the hospital has on traffic and parking in the local area. The Transport statement suggests there are 71 potential parking spaces available in the surrounding area but does not acknowledge how saturated the current parking situation is. It assumes that spaces are readily available when they are not, mainly due to the impact of the hospital.*

*Although the Transport statement has analysed the number of accidents that have taken place, it does not consider the number of near misses and road rage incidents that we regularly witness. These are not included in the statistics but are important anecdotal evidence that the planning committee should consider. As people parking to visit a takeaway would generally be parking for short periods of time there is a safety concern. On several occasions we have witnessed short-term visitors to Tesco parking hazardously in the parking bay and streets around the roundabout. This causes obstructions to vehicles (including buses) and pedestrians. Adding a fast food outlet will only exacerbate the problem.*

*There are also only 2 spaces for the proposed 3 flats which seems a fairly limited provision and no spaces for staff. There is no additional parking on the access lane, so once the two spaces are filled any further need for parking would likely spill onto Foreland Road making the issues already highlighted even worse.*

*There has been no mention of staff parking or parking for the proposed 3 flats, other than 2 spaces at rear. The 2 spaces allocated to the flats may be quickly filled - and potentially there may be 4 further spaces needed just for the residents (if 6 people occupy the 3 flats). That already puts 4 cars on the road without the staff at the proposed shop adding to this.*

*Take out shops need to have a good parking facilities nearby which this certainly does not. Foreland Road is quite narrow, Ty'n y Pwll Road is the same. Virtually no parking nearby on Park Road except for a three car lay-by outside the butchers*

*and cafe which is usually well filled. A large percentage of the Velindre Road is residents only whilst there are double white lines on the other side.*

- **Lack of need** - There is no need for further fish and chip shops or takeaways in Whitchurch. There are already plenty of takeaways and chips shops within the local area, which are well positioned away from residential areas and next to car parks and appropriate on street parking not to mention the two cafes and sandwich shop located on the same roundabout. At least two fish and chip shops have closed in Whitchurch over the past few years due to lack of custom. Concern was expressed that this won't be a viable business, and that the building will lose its unique architecture and still end up empty.
- **Not a commercial area** - Disagree that the roundabout commercial premises can be seen as an extension of the main commercial area on Merthyr Road as separated by a school, car park, 3 churches, 20+ houses, flats complex, the orchards housing, scout and bowls club and nursery, etc.
- **Impact on Public Health and obesity** - Allowing a fish and chip shop does not seem to fit with the current public health drive to reduce obesity. Organisations are trying to encourage healthy eating as part of the Healthy Working Wales strategy and an additional chip shop would compromise this approach. In addition given its location close to schools the detrimental health effects cannot be ignored and anything to be done to promote healthy eating should be encouraged by the Council. This proposal does not meet Public Health Wales ambitions to improve child health and obesity rates.
- **Loss of shopfront** - The proposal would result in the loss of a shopfront with significant architectural value adding to the character of the streetscene the loss of which would be contrary to the Provisions of the Council's Shop fronts and Signage Supplementary Planning Guidance which states that proposals should seek to retain, repair and consider restoring, where original traditional shop fronts are of value.
- **Pedestrian Safety** - The proposal is located on a busy roundabout and will increase the number of cars attempting to stop on the roundabout. The roundabout comprises 5 entrances (6 if Foreland road is included), there are 5 zebra crossings. These crossings are used regularly by pedestrians, and in particular children/young people using the park and library, and going to local schools. It is already an unusual roundabout with cars regularly driving across zebra crossings as they leave the roundabout, without noticing pedestrians. Additional cars stopping for a take-away are likely to look for closer spaces and cause more problems and hazards for pedestrians and other cars.
- **Inadequate Cycle Routes** – The Taff trail is unsuitable as it is not lit at night. The cycle route on Northern Avenue/ Manor Way is on the pavement and shared with pedestrians. It is often blocked with cars, poorly marked and ill-suited for bikes. Very few cyclists use this route as it is so poor. There is also little in the way of cycle routes running in other directions.

- **Noise, Smells and Disturbance** - The proposed opening hours, until 10pm Monday to Friday and 11pm on Saturday night, are likely to cause noise and disturbance. All other shops on the street, apart from Tesco, are closed by 6pm. It will encourage additional night time activity around the shop areas and into Whitchurch Library Gardens. This would create disturbance to local residents. The extractor will also add to the noise from the existing refrigeration units from the other park road shops and the smell of the chip shop is likely to disturb the surrounding houses and flats.
- **Increased Anti-Social Behaviour** - It also may become a magnet for anti-social behaviour (similar to the problems experienced with the Subway sandwich shop in Whitchurch village which has now closed and ill-fated skate park in the Library park).
- **Litter problems** - There will be additional waste and litter produced, likely to end up in the park and front gardens, encouraging rats and pigeons/sea gulls in the area.
- **Poor Design of flats** - As well as inadequate parking, the three flats are extremely small, with no available garden/outside area, with the exception of the two car parking spaces and the refuse area. This is out of keeping with the context of the local area, which is predominantly semi-detached family homes and retirement flats. There is no evidence that these flats are suitable for local need. They are not equipped to deal with the elderly or those with mobility issues, as there are many stairs. The lack of outdoor space makes them unsuitable for children. The size indicates that they will provide a poor standard of accommodation, with questions as to whether they meet the recommended minimum size - particularly the two flats which are split over two floors, have limited light and have restricted space due to the eaves. The additional building out the back of the proposal is surprisingly tall and taller than some of the buildings in direct proximity to it. It seems out of character for the space and looks like it and would impinge on light and views of the existing units and houses and will overlook gardens on Foreland Road.
- **Future Generations** - The justification includes claims of generating employment and sustainability. There appears to be no plans as to how the waste products (oil), paper, packaging etc. from the fish and chip shop will be reused/recycled. The employment is likely to be paid at minimum wage rates, and with unhealthy working environment, heat and use of oils. If successful as a business, it would take jobs from nearby fish and chips shops. There are three fish and chip shops within 600 metres of the site, a further one at 1.1km. It is also planned at a location near Whitchurch High School (350 metres from the upper school) and a route which children regularly pass going to and from school.
- **Restrictions on other A3 premises** permitted within this location have only allowed the sale of toasted or grilled sandwiches and Panini's by toasting, grilling or heating in the microwave and opening hours of 9.00 am to 6.00pm.
- **Precedent** – Previous decisions in the area have set a strong precedent for rejection of the application. In this respect it was noted that planning was turned

down recently for a similar development in Fishguard Road, Llanishen (application number 19/00459/MNR) with the reason given:

"The premises are located in a primarily residential area outside an existing district or local centre and the proposed use is considered likely to result in nuisance and loss of amenity to adjoining and nearby residents by virtue of smell, noise, and general disturbance, particularly during the evenings. The proposal is therefore contrary to Policies R8 and EN13 of the Cardiff Local Development Plan and advice given in the Council's Supplementary Planning Guidance "Food and Drink and Leisure Uses".

It was also noted that when Bodlon, application 14/02259/MNR, had change of use granted there were a number of specific restrictions placed on it around opening hours, the type of cooking that could take place on site due to potential smells and that no food could be taken off the premises. All of these were aligned to current planning rules and to ensure it did not affect the amenities of the neighbouring houses, flats and businesses. The take away proposal cannot be operated under any of these same restrictions and given that the nature of the area has not changed, there is a strong precedent for rejecting the application.

- **Increased Air Pollution** - There will be an increase in air pollution (from the fat in the shop itself as well as the cars visiting the shop). Again this is something that Public Health Wales want to improve due to it' known impact on respiratory health. Cardiff is already known to have dangerous levels of air pollution and this can't be consciously increased by this proposal. It will be our children and our own health that will be directly impacted upon.
- **Lack of publicity** - Concern was expressed over the lack of publicity given to the proposal *stating "I feel that people's awareness to this proposal has only been realised through neighbours/social media/A4 copies on lampposts. There are a number of elderly residents locally for whom these channels may not have been opened. So I do not feel this has been widely or appropriately shared with those who will be directly affected."*

7.5 In addition to the 18 representations have been received supporting the application. A summary of the reasons is included below:

- Bring jobs to the community as well as more housing
- Parking wasn't an issue for the last 20 years when the bank was open, unless there was bad parking by individuals and proposed use will result in less visitors than a bank with shorter stays. There is plenty of parking available in the surrounding streets but of course it needs to be utilised. The correct signage could utilise this parking effectively. Also a chip shop is likely to be busy around lunch time when the road traffic in the area is relatively low and later in the evening around 7pm when again it's not at its peak. Peak traffic times would be 9am for work and school and 3-5pm when work and school is also finishing.
- Parking can be controlled through Council enforcement powers. The first would be to introduce double yellow lines and to put up clear signage and cameras. The

council may want to also consider removing the lay by on Park Road and extending the pavement to prevent people from parking there as a lot of people complain about vehicles sticking out. At the end of the day there is plenty of room to pass by even if a vehicle is sticking out it may have been that someone has tried to squeeze a third vehicle in only when there is realistically space for two. I think wherever you are you will encounter bad vehicles parked and it is something that's unavoidable.

- Will lead to the modern refurbishment of the building and bring it back into use attracting residents to the area and more custom for surrounding businesses.
- Vehicles using Park Road on daily basis is already great in number as Tesco is next door and it leads to Coryton interchange and the motorway. It doesn't pose a huge risk as the transport survey demonstrates the low number of fatalities. There will be near misses anywhere and everywhere. If that was the case people would be banned from walking on the streets.
- Looks to be a new business start-up which we should encourage more of!
- Provides plenty of options for customers
- Supports local welsh businesses
- Transport facilities available to and from Park Road.
- The development would be a good addition to the village and will attract trade and custom and can benefit staff at the surgeries, hospitals and the school and will benefit the residents and the design looks slick and modern
- The application addresses concerns relating to noise for the flue/extractor and litter. The design and extractor system looks appealing meaning that it cancel out any noise pollution. In terms of litter control the council guidelines state that any A3 premises offering take away should provide additional bins for litter to be disposed of.
- The proposed hours near enough match Tesco if anything opening later and closing earlier
- It is for the public to decide whether they want to indulge or eat healthy. There is no forcing people to eat unhealthy food
- It would add to the tourist attractions that Whitchurch receive, being near an old building such as the library, and Whitchurch Park.
- It would be ideal to have another cash machine either there or in front of Tesco as the nearest one is on the other side of the village. I like the idea of apartments as it sounds very classy as opposed to flats or houses.
- Although it may attract small groups during lunch hours and in the early evenings

Whitchurch does not have a high rate for anti-social behaviour. If children from the school do congregate I believe the majority of them are well behaved.

## 8. **ANALYSIS**

- 8.1. The application site falls within the settlement boundary as defined by the Local Development proposals map and has no specific designation or allocation. The application premises comprise a vacant retail bank (Use Class A2) located within a small parade of retail shops with residential accommodation above.
- 8.2. Para 5.282 of the LDP states that in addition to local centres identified on the proposals map, there are numerous smaller groups of shops and individual 'corner shops' across the county that provide valuable shopping facilities to surrounding communities. Proposals that could lead to the loss of such local shops will be assessed having regard to the role of those shops in meeting local shopping needs and the viability of the premises for continued shopping use.
- 8.3. The key issues are the effect of the proposal upon residential amenity (with particular regard to noise, disturbance, litter and smells).
- 8.4. The application premises are currently vacant. The proposal should be assessed against Policy R8: Food and Drink Uses which identifies that food and drink uses are most appropriately located in the city centre (Central Business Area), the inner harbour/waterfront area of Cardiff Bay (Bay Business Area) and District and Local Centres. Food and drink uses are unlikely to be acceptable within or adjacent to residential areas, where they would cause nuisance and loss of amenity, or result in the loss of a residential property. Also of relevance is Food, Drink and Leisure Uses SPG (November, 2017).
- 8.5. Paragraph 5.4 of the SPG states that hot food takeaway units within close proximity to residential units will not be considered acceptable where there may be significant adverse impacts on residential amenity in terms of noise, odours, traffic, litter etc. which cannot be mitigated.
- 8.6. Paragraph 5.6 states that it is not normally considered acceptable to locate hot food takeaways outside of designated centres where they are directly adjacent to residential properties, or where there is a residential premises directly above the takeaway.
- 8.7. In this respect it is noted that the application premises are located in a residential area outside any defined district or local centre or other designated centre defined in the Local Development Plan. In addition there are residential flats proposed immediately above the premises and adjoining the premises to the south. There is also residential accommodation nearby to the east on Foreland Road and west, south and north on Velindre Road, Tyn-y-Pwll and Park Road. In this respect it is noted objections to the application have been received from local residents in terms of adverse impacts on residential amenity including issues relating to night time noise and disturbance, odours, traffic, litter, parking problems, etc.

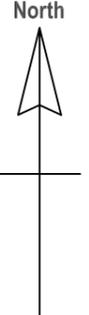
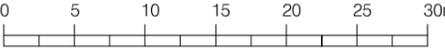
- 8.8. Given the advice set out above and the objections received from Pollution Control and local residents, it is considered that the proposals would be contrary to policies in the adopted Local Development Plan and the approved Food, Drink and Leisure Uses SPG and likely to result in nuisance/loss of amenity to the occupiers of adjoining and nearby residential accommodation by virtue of smell, noise and general disturbance, particularly during the evening.
- 8.9. The Well-being and Future Generations (Wales) Act 2015 places a duty on public bodies that they must carry out sustainable development and puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. It defines sustainable development as "the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals." It goes on to identify that "acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."
- 8.10. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the recommended decision.

## 9. **CONCLUSIONS**

- 9.1. Further to the consideration of the matters and content of this report refusal of the application is recommended.



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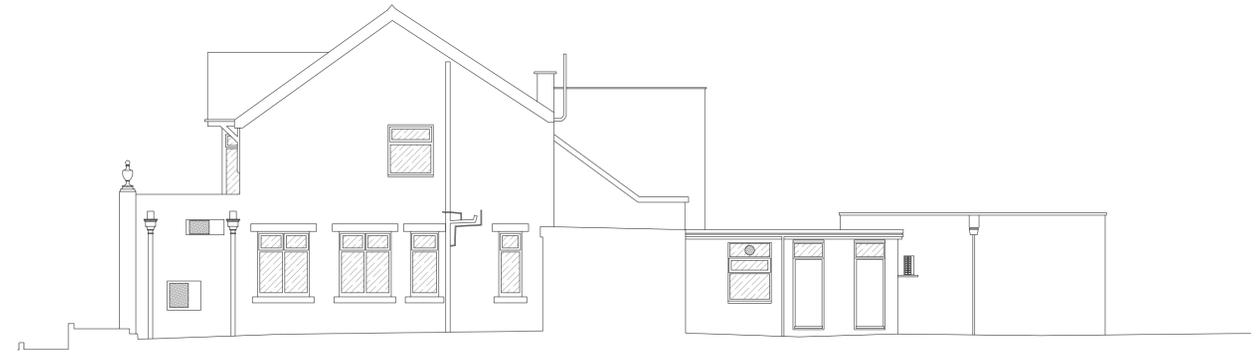
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	 Westfield Architects		<ul style="list-style-type: none"> <li>THIS DRAWING IS TO BE READ IN CONJUNCTION WITH OTHER RELEVANT ARCHITECTS' AND ENGINEERS' DRAWINGS AND SPECIFICATIONS.</li> <li>ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE STATED.</li> <li>ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE AND DURING WORKS.</li> <li>ARCHITECT TO BE MADE AWARE OF ANY CHANGES TO DESIGN OR DIMENSIONS.</li> </ul>
			
	Job:	6 Park Road, change of use, extension and alterations	Date:
Location:	6 Park Road, Whitchurch, Cardiff. CF48 1PQ.	Scale:	1:500@A3
Title:	Site Location Plan	Drg No:	223 - AL(90)01
TEL - 07846 126350. E-MAIL - sam@westfieldarchitects.co.uk 2 Alexander Gate, Ffordd Pengam, Cardiff. CF24 2SA.			





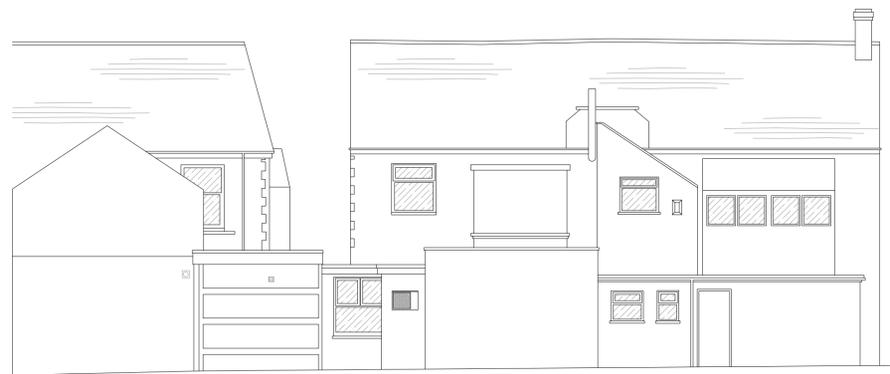
FRONT ELEVATION

DATUM 55m



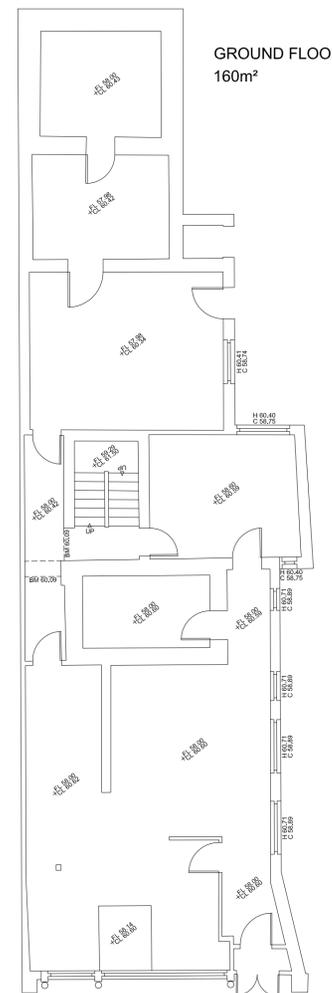
SIDE ELEVATION

DATUM 55m

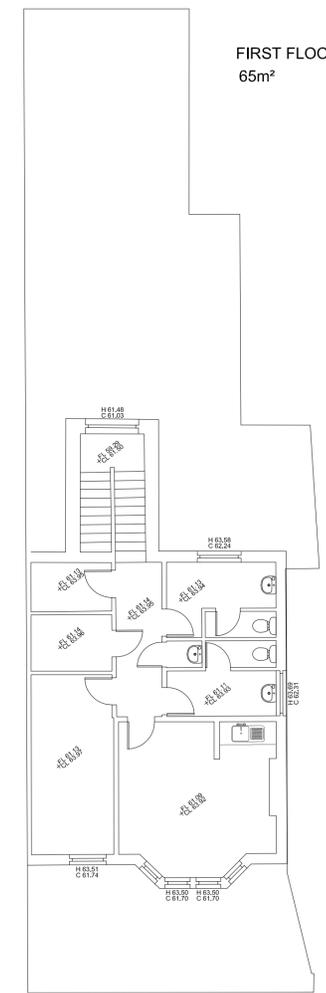


REAR ELEVATION

DATUM 55m



GROUND FLOOR  
160m<sup>2</sup>



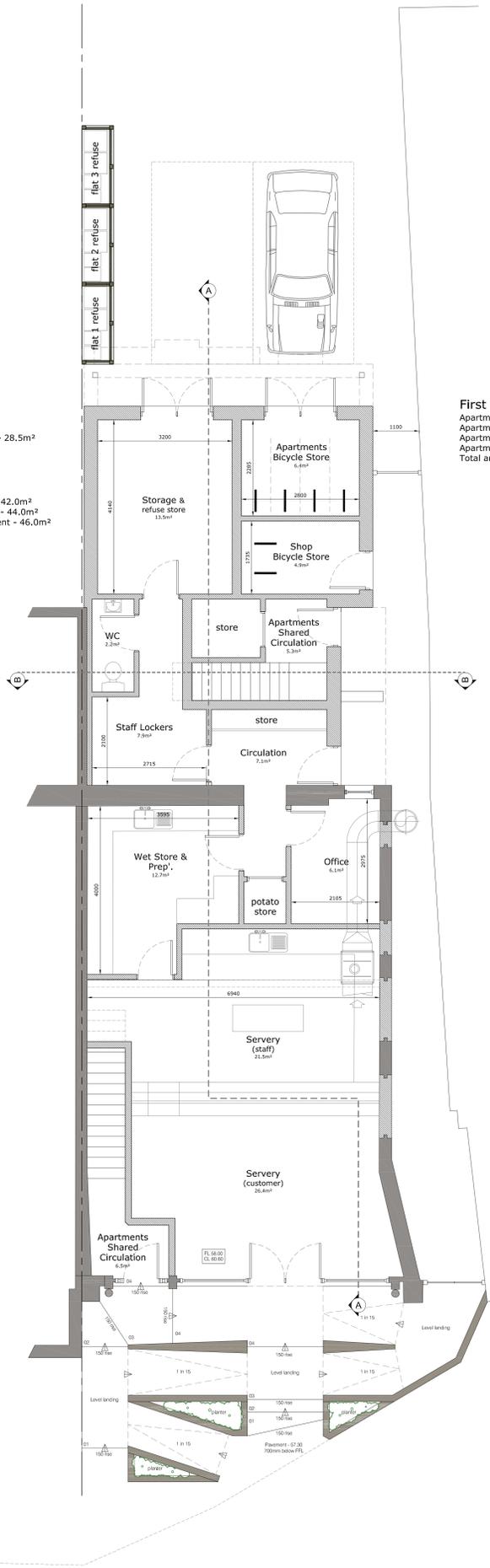
FIRST FLOOR  
65m<sup>2</sup>

Issue	25.06.19	Planning Submission
<p>THIS DRAWING IS TO BE READ IN CONJUNCTION WITH OTHER RELEVANT ARCHITECTURAL AND ENGINEERING DRAWINGS AND SPECIFICATIONS.</p> <ul style="list-style-type: none"> <li>ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE STATED.</li> <li>ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE ANY WORKING BEGINS.</li> <li>ARCHITECT TO BE MADE AWARE OF ANY CHANGES TO DESIGN OR DIMENSIONS.</li> </ul>		
<p>0 1 2 3 4 5 6m</p>		Date: 06.19
<p>Job: 6 Park Road, change of use, extension and alterations</p>		Scale: 1:100@A1
<p>Location: 6 Park Road, Whitchurch, Cardiff, CF48 1PQ.</p>		Dwg No: 223 - AL/99/01
<p>Title: Existing Floor Plans &amp; Elevations</p>		
<p>TEL - 07846 12630, E-MAIL - sam@westfieldarchitects.co.uk 2 Alexander Gate, Floor 1, Penarth, Cardiff, CF24 2SA.</p>		

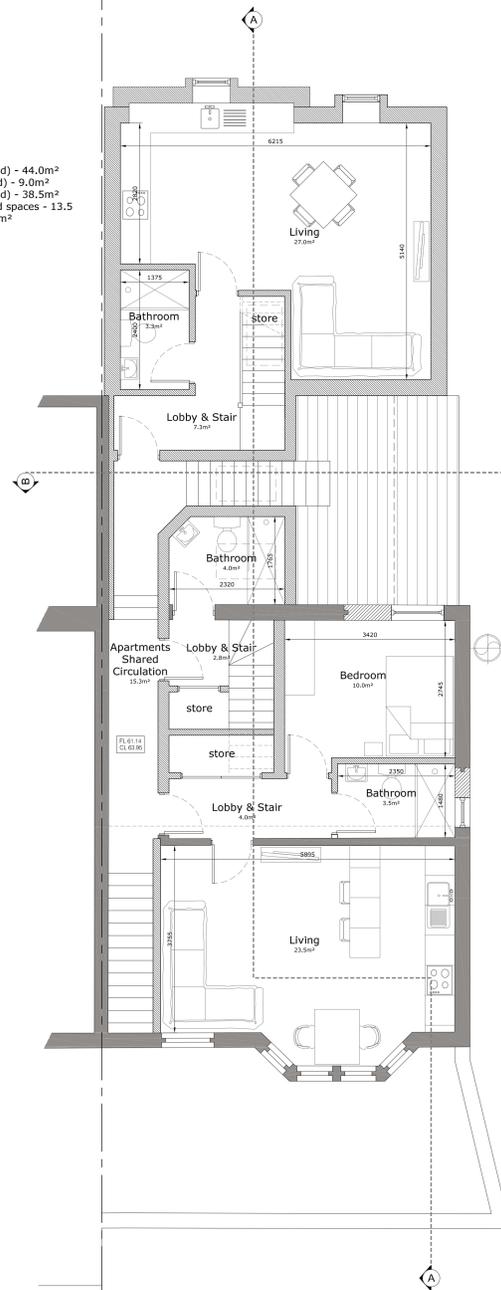


**Ground Floor**  
 Shop - 95.0m<sup>2</sup>  
 Apartments shared spaces - 28.5m<sup>2</sup>  
 Total area - 123.5m<sup>2</sup>

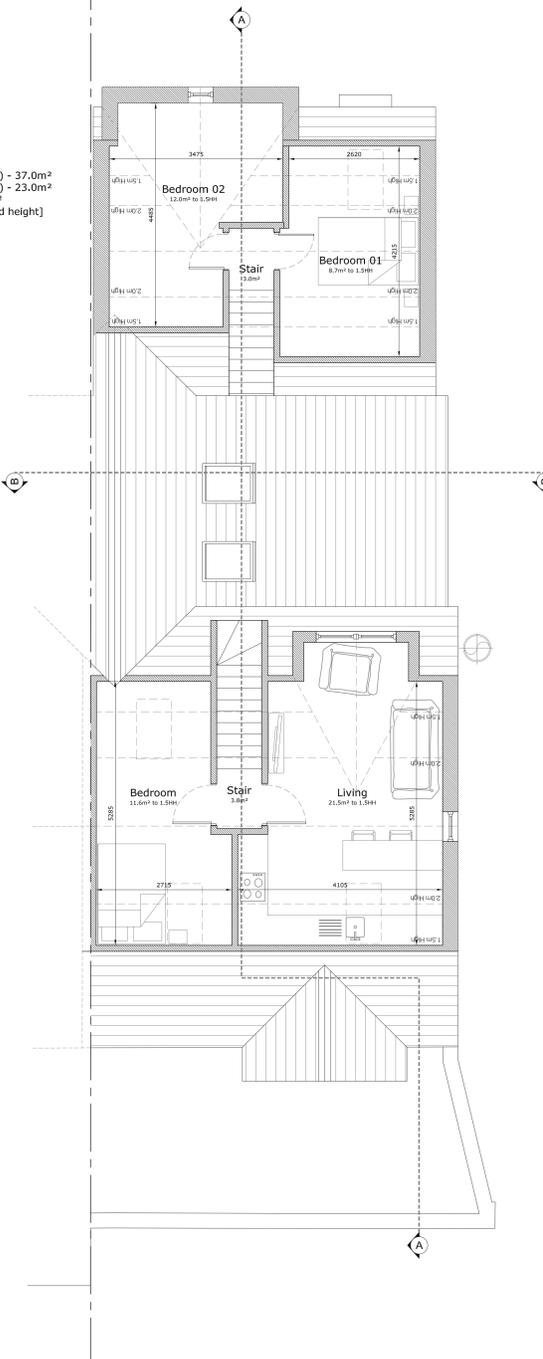
**Total floor areas:**  
 Shop - 95.0m<sup>2</sup>  
 Apartment shared spaces - 42.0m<sup>2</sup>  
 First floor 1 Bed apartment - 44.0m<sup>2</sup>  
 Second floor 1 Bed apartment - 46.0m<sup>2</sup>  
 2 Bed apartment - 57.0m<sup>2</sup>



**First Floor**  
 Apartment 1 (1 Bed) - 44.0m<sup>2</sup>  
 Apartment 2 (1Bed) - 9.0m<sup>2</sup>  
 Apartment 3 (2 Bed) - 38.5m<sup>2</sup>  
 Apartments shared spaces - 13.5  
 Total area - 105.0m<sup>2</sup>



**Roof Spaces**  
 Apartment 2 (1Bed) - 37.0m<sup>2</sup>  
 Apartment 3 (2Bed) - 23.0m<sup>2</sup>  
 Total area - 60.0m<sup>2</sup>  
 [areas to 1.5m head height]



Proposed Site Layout - 1:100 at A0



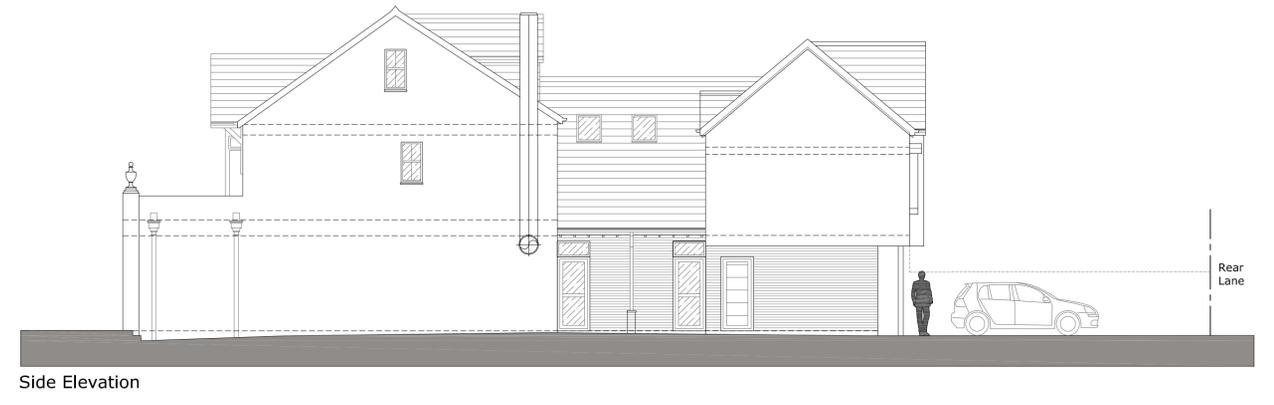
Proposed Floor Plans - 1:50 at A0

Issue	21.06.19	Planning submission
Location	6 Park Road, Wiltshire, Castle, CR16 1PC	Date: 06.19 Scale: 1:50 / 1:100 @ A0
File	Proposed Floor Plans	Doc No: 125 - A0 (0919)
<p>WA Westfield Architects</p> <p>TEL: 01916 12020, 04664 - w@westfieldarchitects.co.uk 2 Alexander Gate, Park Road, Castle, CR16 1PC</p>		



Front Elevation

Datum 55m



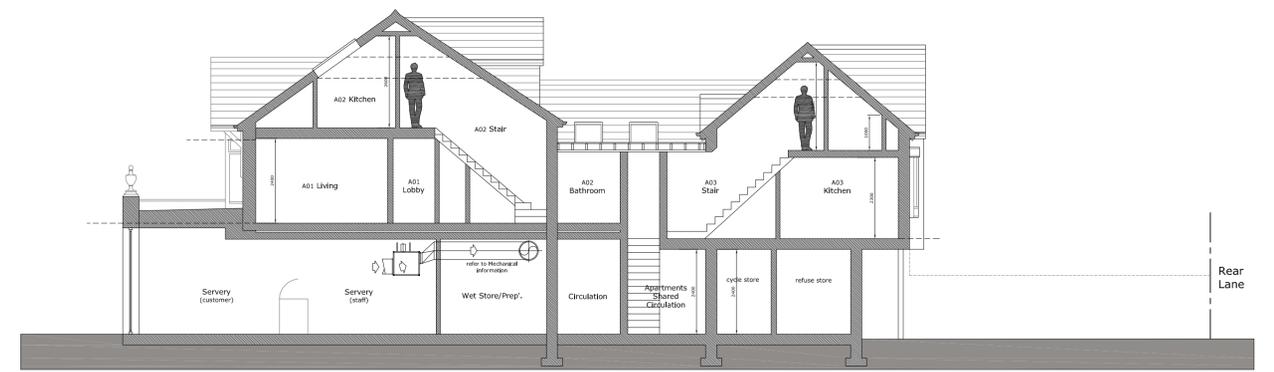
Side Elevation

Datum 55m



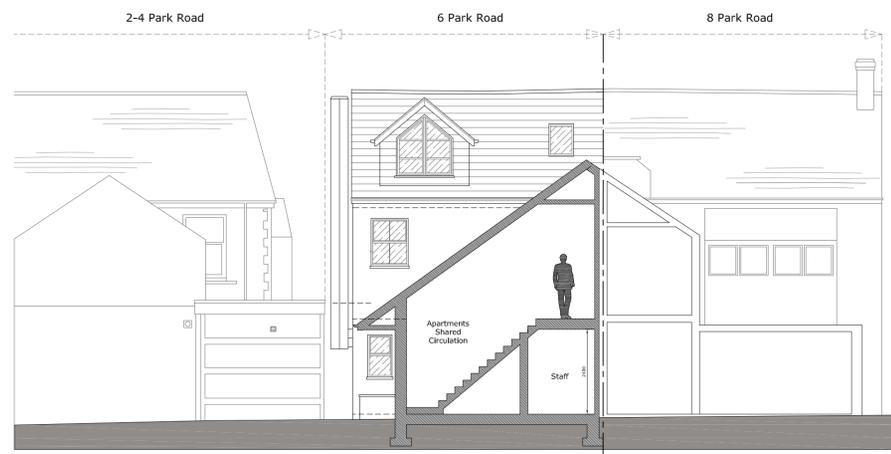
Rear Elevation

Datum 55m



Section A-A

Datum 55m



Section B-B

Datum 55m

**Shop front materials:**

- Existing bath stone details adjusted, cleaned and refurbished.
- Minimal framing glazed shop front and entrance doors.
- Aluminium composite door to apartments shared access.
- Signage zone increased in height.
- New lighting to signage.

**Ramped Access:**

- Smooth concrete paving to steps and ramps.
- White render to planters and retaining walls with smooth concrete coping stones.
- frameless glass balustrades.

**Extension & refurbishment:**

- Roof - Artificial blue/black slate with red clay hanging tiles to proposed dormer window.
- Fascias, soffit and rain water goods - black upvc.
- Windows - White upvc.
- External walls - red, smooth brickwork plinth to match host with smooth white render. Hanging red clay tiles to rear gable feature.
- Doors - Composite rear access doors. Galvanised steel doors to bike and refuse stores.

Issue	26.06.19	Planning submission
 <p>Westfield Architects</p>	<p>• THE DRAWING IS TO BE READ IN CONJUNCTION WITH OTHER RELEVANT ARCHITECTURAL AND ENGINEERING DRAWINGS AND SPECIFICATIONS.</p> <p>• ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE STATED.</p> <p>• ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE AND DURING WORKS.</p> <p>• ARCHITECT TO BE MADE AWARE OF ANY CHANGES TO DESIGN OR DIMENSIONS</p>	<p>0 1 2 3 4 5 6m</p>
	<p>Job: 6 Park Road, change of use, extension and alterations</p> <p>Date: 06.19</p>	<p>Scale: 1:100@A1</p>
	<p>Location: 6 Park Road, Whitchurch, Cardiff, CF48 1PQ.</p> <p>Title: Proposed Elevations &amp; Sections</p>	<p>Eng No: 223-AL(99)03</p>
	<p>TEL - 07846 126350, E-MAIL - sam@westfieldarchitects.co.uk 2 Alexander Gate, Fford Pengam, Cardiff, CF24 2SA.</p>	