

## PETITION

COMMITTEE DATE: **19/05/2021**

APPLICATION No. 21/00520/MNR

DATE RECEIVED: 02/03/2021

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: OoVeeCardiff.

LOCATION: 49 Wellfield Road, Roath, Cardiff, CF24 3PA

PROPOSAL: CHANGE OF USE FROM RETAIL (CLASS A1) TO RESTAURANT (CLASS A3) AND INSTALLATION OF LOUVRE, PLANT AND DUCT

---

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

- 1 The proposal would result in the loss of an active retail (class A1) use to the detriment of the shopping role of the Albany Road/Wellfield Road District Centre, contrary to Policy R4 of the Cardiff Local Development Plan (2006-2016).

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

- 1.1 The application seeks planning permission to change the use of the ground floor of a two storey terraced building from retail use (class A1) to a restaurant (class A3) use.
- 1.2 An external extraction flue is proposed, attached to the rear elevation of the main building, it would be 0.5m in diameter and have a maximum height of 2m above the main rear eaves level. A ventilation grille is proposed within an existing partially blocked up first floor window in the front elevation. Pedestrian access would be via the existing entrance from Wellfield Road. The application form indicates opening hours of 09:00 – 23:00.

### 2. **DESCRIPTION OF SITE**

- 2.1 The premises currently accommodates a retail shop. Internally the premises has a floor area of 128 square metres, the upper floor would remain in use as storage/staff rooms. The site is located within the Albany Road/Wellfield Road district centre, it lies within a group of commercial units along the north west side of Wellfield Road adjoined by retail shops at nos. 47 and 51.

### 3. **SITE HISTORY**

- 3.1 16/01564/MNR – planning permission granted for installation of a proposed new metal framed shopfront to replace existing recessed frontage.

#### 3.2 **Related History:**

21/00337/MNR – planning permission granted for change of use of ground floor to provide mixed class A1 (retail) and A3 (cafe/restaurant/coffee shop) use at no. 53 Wellfield Road.

20/02238/MNR – planning permission granted for variation of condition 1 and removal of conditions 2 & 4 of 08/00598/C to alter opening hours and use at no. 43 Wellfield Road.

20/01524/MNR – planning permission granted for change of use from A1 retail use to A1/A3 mixed use at no. 21 Wellfield Road.

20/00693/MNR – planning permission granted for variation of condition 2 and removal of condition 4 of 93/00066/W to extend the opening hours and formalise the class A3 use at no. 3 Wellfield, Road.

19/01845/MNR – planning permission granted for change of use to provide mixed class A1/A3 use at no. 22 Wellfield Road.

19/00290/MNR – planning permission granted for variation of condition 2 of 16/00449/MNR to allow A3 use at no. 41 Wellfield Road.

18/00816/MNR – planning permission granted for change of use from class A1 use (retail) to class A3 use (cafe) at no. 15 Wellfield Road.

18/02739/MNR – planning permission granted for change of use from vacant class A1 (retail) to class A3 (restaurant/café) at no. 26 Wellfield Road.

17/02841/MNR – planning permission granted for change of use from A1 to A3 cafe with hot food and the garden area to be used for outdoor seating as part of the café at no. 36 Wellfield Road.

16/00378/MJR – variation of conditions 2 and 4 of 14/01953/DCI to extend the times so that no member of the public shall be admitted to or allowed to remain in the rear outdoor seating area between the hours of 21:00 and 09:30 on any day and that the front balcony area can be used as a seating area between the hours of 09:30 and 21:30, at No. 55 Wellfield Road.

### 4. **POLICY FRAMEWORK**

#### 4.1 **Relevant National Planning Guidance:**

Planning Policy Wales (Edition 11, 2021)  
Future Wales - the National Plan 2040

## Technical Advice Note 12: Design

### 4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy KP5 (Good Quality and Sustainable Design)  
Policy EN13 (Air, Noise, Light Pollution and Land Contamination)  
Policy R4 (District Centres)  
Policy R8 (Food and Drink Uses)  
Policy T5 (Managing Transport Impacts)  
Policy W2 (Provision for Waste Management Facilities in Development)

### 4.3 Relevant Supplementary Planning Guidance

Food, Drink and Leisure Uses (2017)  
Managing Transportation Impacts (Incorporating Parking Standards) 2018  
Waste Collection and Storage Facilities (2016)

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Neighbourhood Services – request that a noise and odour impact assessment is undertaken to demonstrate how residential amenity is not adversely affected.
- 5.2 Transportation – no comments received.
- 5.3 Waste Management – A change of use to A3 may lead to an increase in the volume of waste produced. Current site plans make no reference to the storage and collection of waste and recycling. All A3 units are required to provide litter bins at the front of the unit in order to prevent littering on the adopted highway. The tenant will be required to provide, service and empty a litter bin to be placed at the front of the unit during opening hours and removed from the highway during closing hours. Please advise the agent/applicant that a commercial contract is required for the collection and disposal of all commercial waste.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police – no comments received.

## 7. **REPRESENTATIONS**

- 7.1 The application was publicised by letter and site notices. A petition of objection was received, signed by 58 residents, 56 of which could reasonably be affected by the matter. Full details are viewable online.
- 7.2 Objections were received from the occupiers of no. 32 Bangor Street, 14 Plasnewydd Place and on behalf of a group of residents of Bangor Street. Full details are viewable online, their comments are summarised as follows:

- a) Loss of amenity to rear garden of no. 32 Bangor Street;*
- b) Noise from the proposed louvre/duct equipment and existing kitchen fans;*
- c) Noise from deliveries and rubbish collection from Bangor Street;*

- d) *Parking/highway safety;*
- e) *Inadequate toilet facilities;*
- f) *Principle of the change of use of a retail unit to a restaurant. There are more than enough eating and takeaway establishments in this locality, which is now almost 50% occupied by food outlets;*
- g) *Visual impact with particular regard to Roath Park Conservation Area;*
- h) *Antisocial behaviour.*
- i) *Increased litter.*

## 8. **ANALYSIS**

### 8.1 **Land Use Policy**

Policy R4 aims to promote and protect the shopping role of District Centres while supporting a mix of appropriate uses and thereby controlling the location and number of non-shopping uses. (Uses other than A1). The presumption is that within District and Local Centres, the primary shopping function should be retained, i.e. A1 uses. Policy R4 confirms that retail, office, leisure and community facilities will be favoured within the District Centres, including Albany Road/Wellfield Road and provides the criteria against which proposals for change of use will be assessed. This includes:

- Being of a scale appropriate to the particular centre;
- Not impeding the effective use of upper floors;
- Not causing unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages; and

Where a change of use from an A1 unit to a non-shopping use (use class other than A1) is proposed, the assessment in terms of unacceptable harm takes account of:

- The existing level and nature of non-shopping uses within the centre as a whole;
- Whether any have unimplemented planning consent for non-shopping uses;
- The size of the retail unit in relation to the overall size of a centre or a specific groups of frontages; and
- The distribution and proximity of non-shopping uses within a frontage.

Where units are currently occupied by an A1 shop, applicants are advised that the premises should be marketed for A1 uses. Paragraph 4.31 of the Food, Drink & Leisure Uses SPG states that *Where units are vacant, and there appears to be little demand for A1 floorspace, a non-shopping use may add to the vitality of frontages. However, vacancy rates will be carefully assessed, since a recently vacated unit may have the potential to attract an A1 use. It is suggested that a vacant A1 unit within reasonable condition should be actively marketed for its current format for a period of at least 6 to 12 months, before a restaurant/café/hot food takeaway is considered appropriate.* In this instance, the premises is an occupied A1 retail unit and no evidence has been provided to demonstrate the unit has been marketed. As such the proposal is considered contrary to Policy R4.

## 8.2 Residential Amenity

Policy R8 of the LDP identifies that A3 (food and drink) uses are most appropriately located in the City Centre, the Bay and District and Local Centres, and the Food, Drink and Leisure Uses SPG identifies that A3 (food and drink) uses are most appropriately located in the City Centre Principal Shopping Area, District and Local Centres and the City Centre Principal Business Area. It is noted that there is residential accommodation at first floor level of buildings within the vicinity, however the site is located within a commercial centre and residents in such a mixed use area cannot expect the same standards of amenity as those living in a wholly residential area.

The request from Neighbourhood Services that a noise and odour impact assessment is undertaken to demonstrate how residential amenity is not adversely affected is noted. In the event that the proposal was otherwise acceptable, a condition would be imposed requiring a noise and odour impact assessment to be submitted and agreed prior to installation of the external extraction equipment.

With regard to opening hours paragraph 5.26 of the Food, Drink & Leisure Uses SPG recommends that hours of openings in district centres are normally restricted to 11.30pm, accordingly the proposed opening hours are considered reasonable.

It is noted that there is an external area at the rear of the premises. Paragraph 5.26 of the Food, Drink & Leisure Uses SPG states that *'any external seating area should also be restricted to no later than 9.00pm in the interests of residential amenity'*. In the event that the proposal was otherwise acceptable, a condition would be imposed to restrict the hours of use of the external area to be consistent with permissions granted within the Albany Road/Wellfield Road district centre at nos. 3, 36, 41, 43, 53 and 55 Wellfield Road.

Having regard to the above it is not considered that the proposal would have any unreasonable amenity impact.

## 8.3 Design

The proposed external extraction flue would be sited at the rear on a secondary elevation of minimal architectural merit, not visible from the primary public realm. The extraction grille to the first floor front elevation would be of appropriately small scale and positioned within an existing partially blocked up window opening. As such, it is not considered that the proposal would have any adverse visual impact upon the street scene.

## 8.4 Crime & Disorder

Paragraph 3.11 of Planning Policy Wales states that *'Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of*

*development plans and taking planning decisions.* The Food, Drink and Leisure Uses SPG identifies District Centres as an appropriate location for food and drink (A3) uses, subject to detailed considerations. The SPG states that consideration should be given to whether a proposal, in conjunction with existing and approved similar uses, would create a concentration of such uses, or give rise to (or exacerbate) problems of public safety and security. South Wales Police were consulted, no comments were received. Having regard to the above it is not considered that the proposal would have any unreasonable crime/disorder impact.

#### 8.5 Transportation

The Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies a minimum requirement of no car parking spaces and cycle parking for staff at a ratio of 2 per 100 square metres for class A3 uses. The proposed use is therefore considered to be car parking policy compliant. Secure and covered cycle parking for staff use can be satisfactorily accommodated at the rear.

#### 8.6 Access

The entrance is level with the street, it is therefore considered that the proposal is inclusive in terms of access equality.

#### 8.7 Other Matters

The request from Waste Management for a litter bin to be placed outside the unit is not considered reasonable having regard to the proposed use as a restaurant and that there are existing litter bins within Wellfield Road.

#### 8.8 Representations

The representations received from neighbouring residents are noted. Specific issues are addressed as follows:

- a) Loss of amenity to rear garden of no. 32 Bangor Street: It is considered that the proposal would not result in unacceptable impact as detailed within the above amenity analysis. In the event that the proposal was otherwise acceptable, a condition would be imposed to restrict the hours of use of the external area.
- b) Noise from the proposed louvre/duct equipment: It is considered that the proposal would not result in unacceptable noise consequences as detailed within the above amenity analysis. In the event that the proposal was otherwise acceptable, a condition would be imposed requiring a noise and odour impact assessment to be submitted and agreed prior to installation of the external extraction equipment as requested by Neighbourhood Services. There are also statutory powers to control noise under the Control of Pollution Act 1990.
- c) Noise from deliveries/rubbish collection: In the event that the proposal was otherwise acceptable, a condition would be imposed to restrict HGV delivery

times at the rear of the premises.

- d) Parking/highway safety: The proposed use is compliant with the Council's adopted Managing Transportation Impacts (Incorporating Parking Standards) SPG with no off street parking provision as detailed within the transportation analysis.
- e) Inadequate toilet facilities: Not a material planning matter. Provision of toilet facilities would be required to comply with the Building Regulations.
- f) Change of use of retail to restaurant: The proposed use is considered contrary to policy R4 of the LDP as detailed within the land use policy analysis, the application is recommended for refusal for this reason.
- g) Visual impact: The proposed external plant equipment is considered appropriate as detailed in the design analysis. The site is not located within the Roath Park Conservation Area, and although the external plant equipment may be partially visible from the conservation area the equipment would be sited on a secondary elevation within a terrace of commercial premises characterised by such equipment.
- h) Antisocial behaviour: It is considered that the proposal would not result in unacceptable impact as detailed within the above amenity analysis. In the event that the proposal was otherwise acceptable, conditions would be imposed to restrict the hours of use and prevent change of use within the class A3 use class to a public house.
- i) Increased litter: It is considered that the proposed use as a restaurant would not intrinsically result in increased litter.

## 8.9 Other Legal Considerations

*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.

*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.

*Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to 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 (Section 5). 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 wellbeing objectives as a result of the recommended decision.

#### 8.10 Conclusion

It is concluded that the application is contrary to the planning policy listed, and is recommended that planning permission be refused.



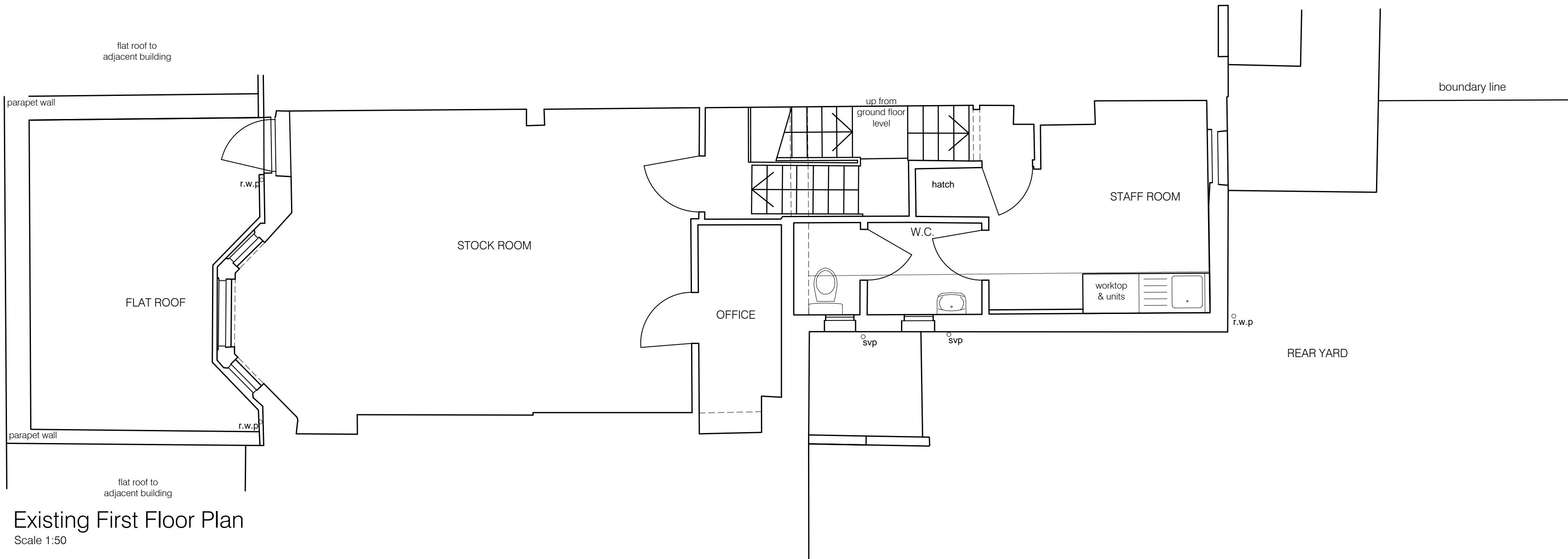


## KEY

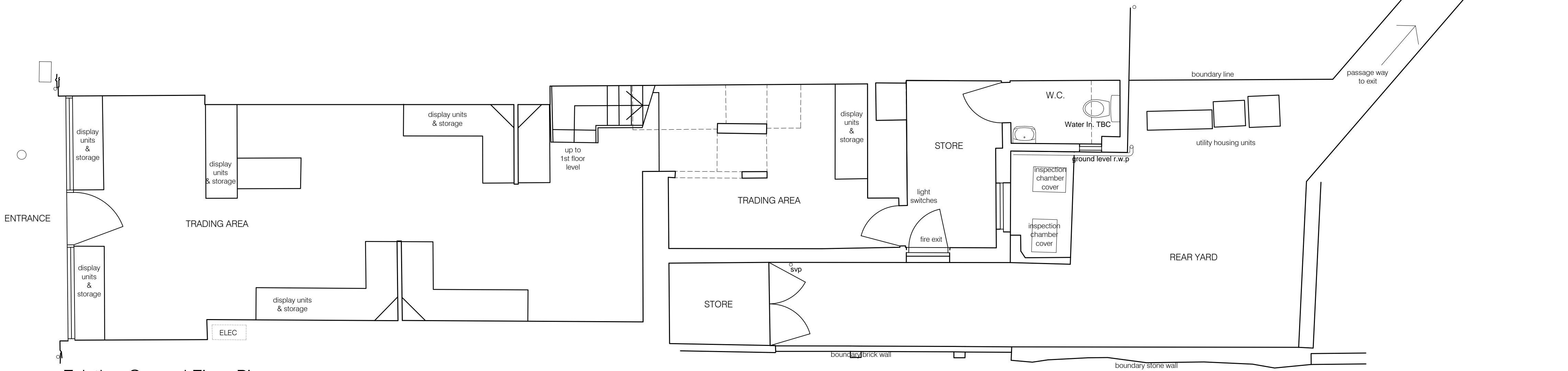


SITE BOUNDARY

REVISIONS			
Rev	by	Date	Comment
A	MD	11.02.2021	Services revised to suit existing



Existing First Floor Plan  
Scale 1:50



Existing Ground Floor Plan  
Scale 1:50

CLIENT  
**OOWEE**

PROJECT  
Wellfield Rd  
Cardiff  
CF24 3PA

TITLE  
Existing Plans

DRAWN  
MD  
SCALE @ A1  
1:50  
DRAWING NO.

CHECKED  
--  
DATE  
Feb' 2021

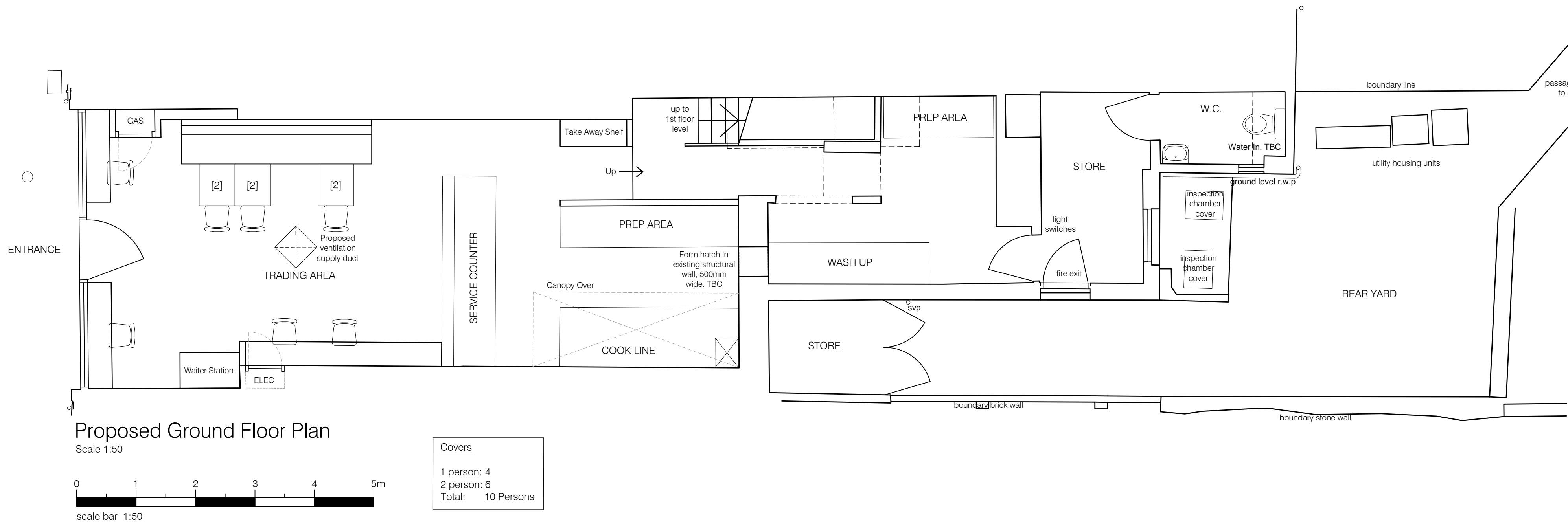
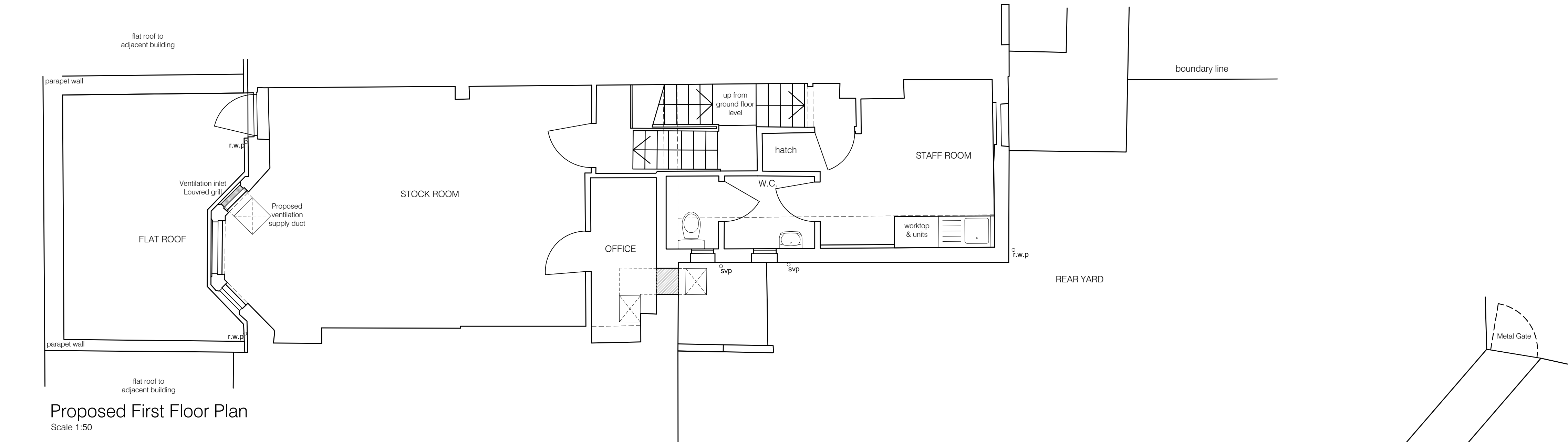
4789/01/A

**Harrison.**

LONDON  
BIRMINGHAM  
DALLAS

+44 (0) 20 7046 6556  
+44 (0) 121 321 3030  
+1972 807 9237

REVISIONS			
Rev	by	Date	Comment
A	MD	11.02.2021	Ventilation/services revisions

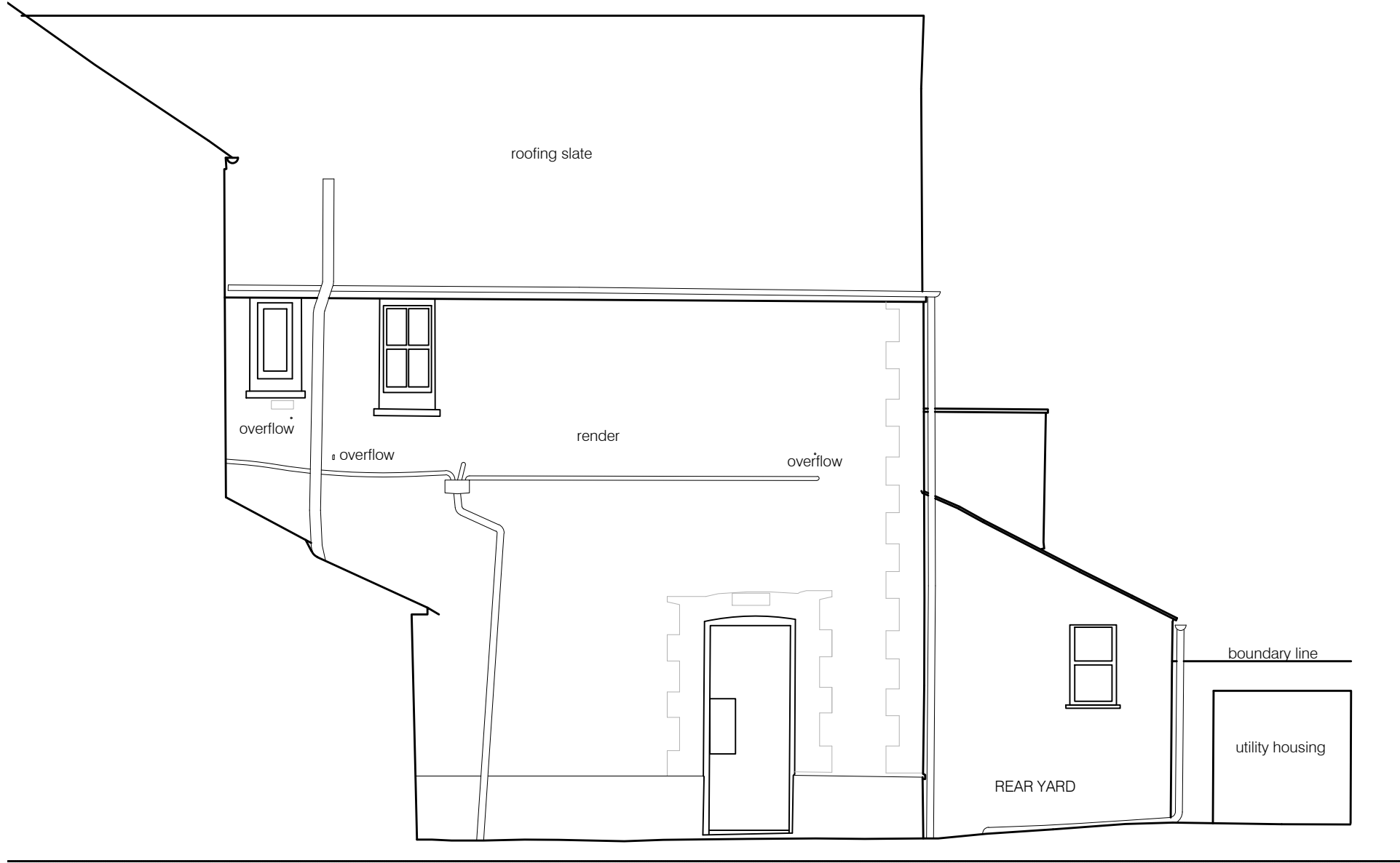


CLIENT	OOWEE
PROJECT	Wellfield Rd Cardiff CF24 3PA
TITLE	Proposed Plans Option 2
DRAWN	MD
CHECKED	--
SCALE @ A1	1:50
DATE	Feb' 2021
DRAWING NO.	4789/03/A

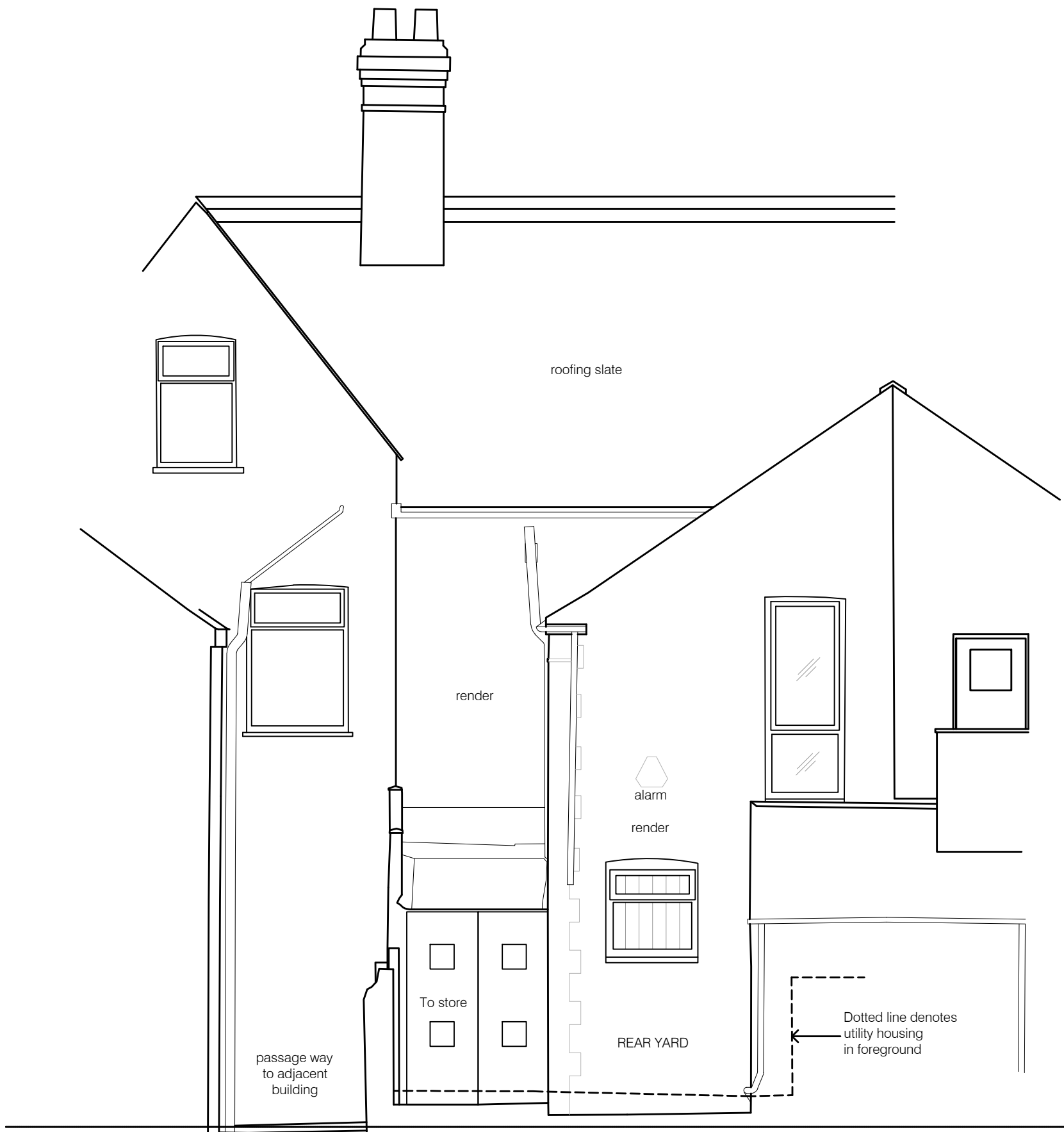
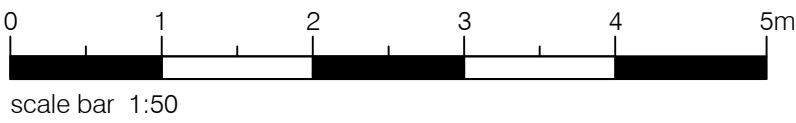
REVISIONS			
Rev	by	Date	Comment
1			



Existing Front Elevation  
Scale 1:50



Existing Rear Side Elevation  
Scale 1:50



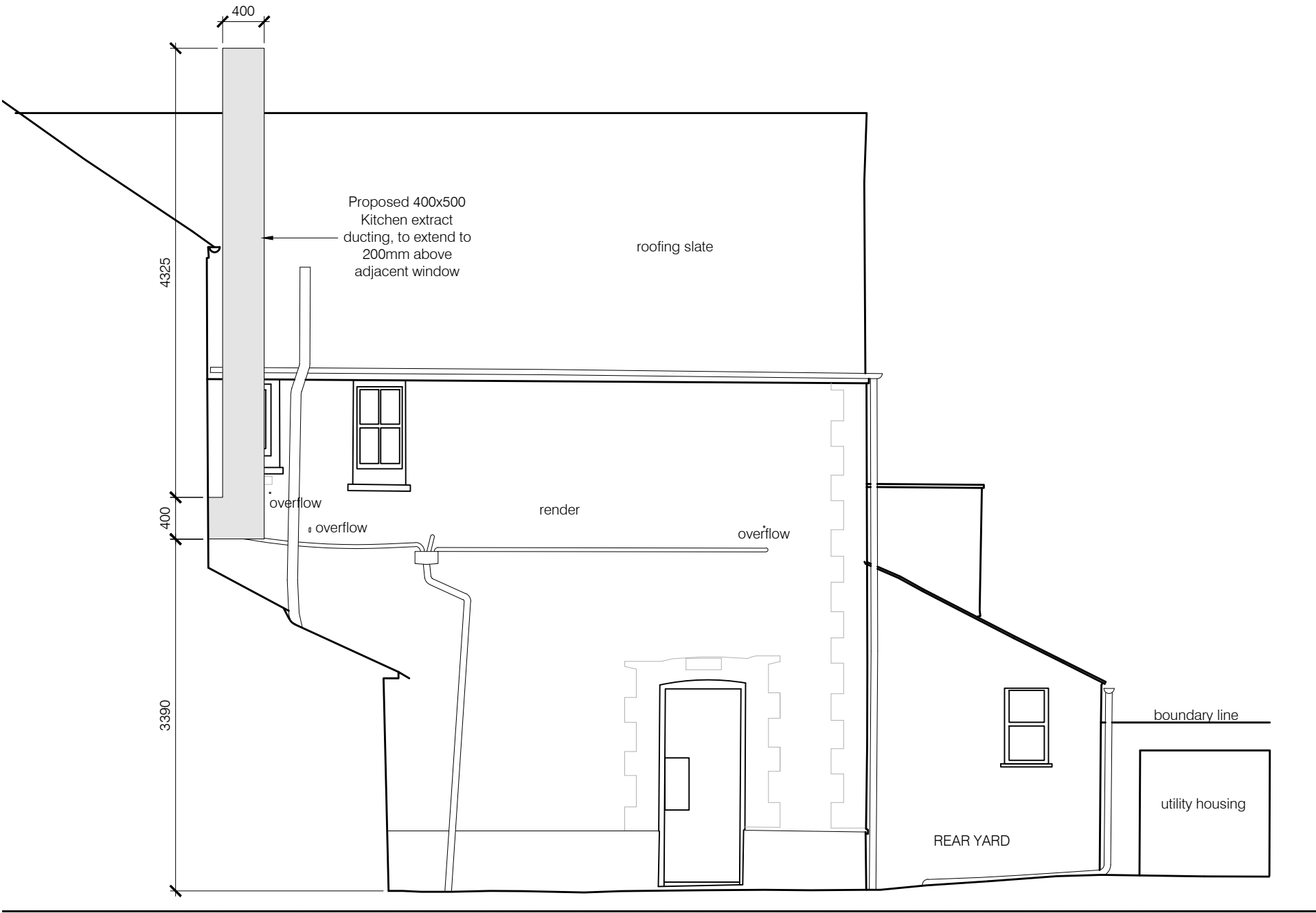
Existing Rear Elevation  
Scale 1:50

CLIENT	OOWEE		
PROJECT	Wellfield Rd Cardiff CF24 3PA		
TITLE	Existing External Elevations		
DRAWN	MD	CHECKED	--
SCALE @ A1	1:50	DATE	Feb' 2021
DRAWING NO.	4789/04/*		

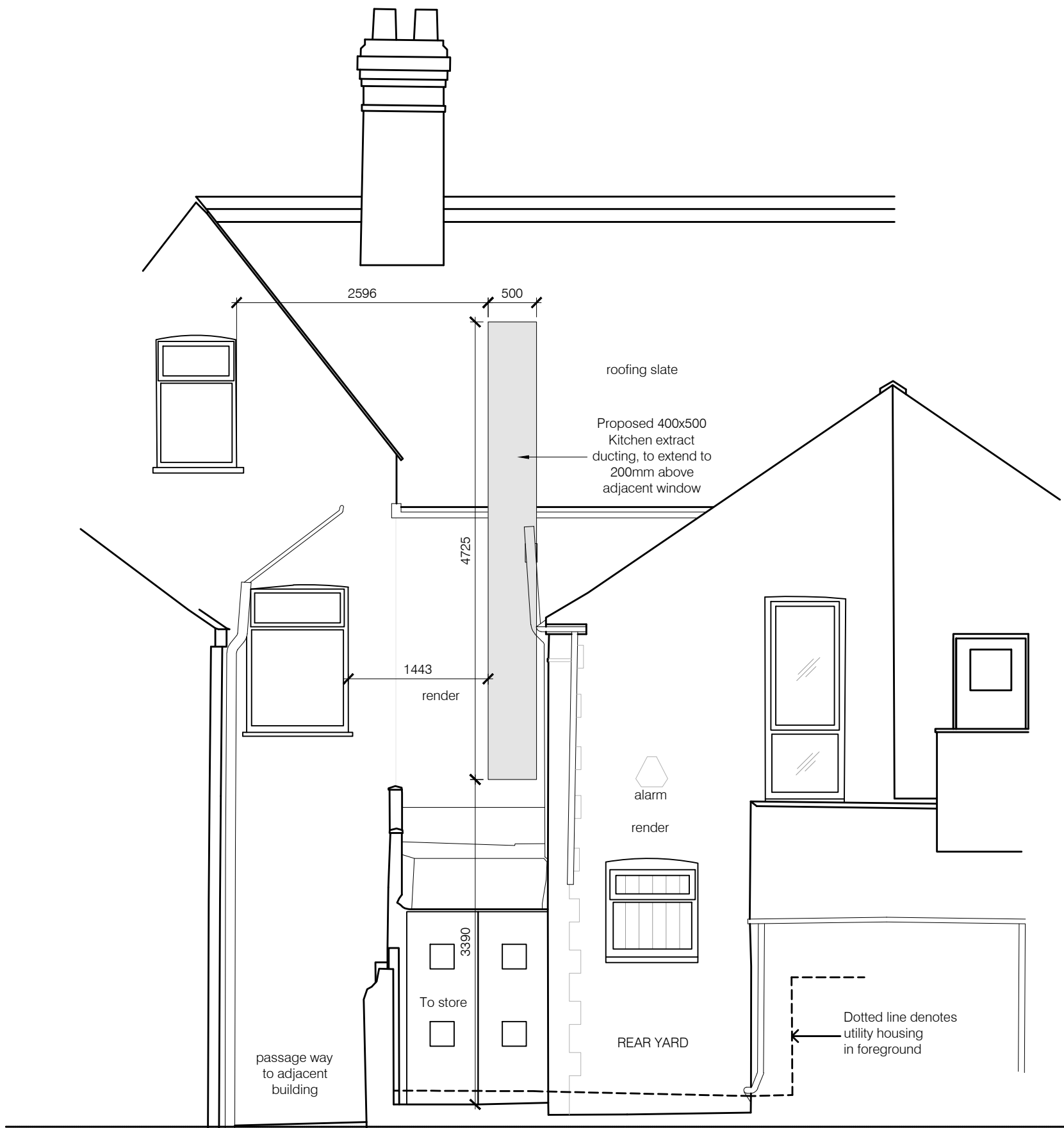
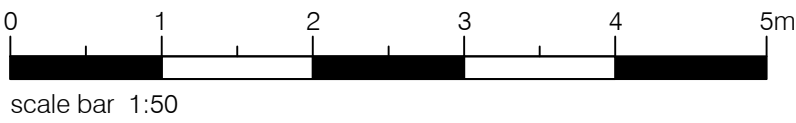
REVISIONS			
Rev	by	Date	Comment
A	MD	11.02.2021	Ventilation information added
B	MD	22.02.2021	Dims added to ventilation



Proposed Front Elevation  
Scale 1:50



Proposed Rear Side Elevation  
Scale 1:50



Proposed Rear Elevation  
Scale 1:50

CLIENT	OOWEE		
PROJECT	Wellfield Rd Cardiff CF24 3PA		
TITLE	Proposed External Elevations		
DRAWN	MD	CHECKED	--
SCALE @ A1	1:50	DATE	Feb' 2021
DRAWING NO.	4789/05/B		