

**DC/2017/00786**

**CHANGE OF USE FROM A CONVENIENCE STORE TO A FISH & CHIP SHOP**

**MARDY STORES, HEREFORD ROAD, MARDY, ABERGAVENNY, NP7 6HU**

**RECOMMENDATION: APPROVE**

Case Officer: Elizabeth Bennett

Date Registered: 06/07/2017

**1.0 APPLICATION DETAILS**

1.1 This application relates to the proposed change of use from a convenience store to a fish & chip shop at Mardy Stores, Hereford Road, Mardy. The property was previously a 'Premier' convenience store open between the hours of 7 am to 9pm. The proposal is to change the use from an A1 use – a shop - to an A3 use – a hot food takeaway. The external elevations of the building will remain the same, but, the roof will include the addition of an extraction flue to the north side. There is an additional application (DC/2017/00787) to include a new advertisement sign to the external of the building replacing the previous sign for the convenience store. All dimensions and lighting for the sign will remain the same as the previous sign.

**2.0 RELEVANT PLANNING HISTORY**

DC/2017/00787 Concurrent advertisement consent application for new fascia sign – undetermined.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

3.1 Strategic Policies

S8 - Enterprise and Economy

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

3.2 Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

RET3 – Neighbourhood Centres

MV1 – Highways Considerations and development

CRF1 – Retention of Existing Community Facility

**4.0 REPRESENTATIONS**

4.1 Consultation Responses

Llantilio Pertholey Community Council – No response to date.

Environmental Health Officer:- On appraisal of these plans I can advise that while there will be the potential for cooking odour to be discernible from time to time and noise from the terminal vent audible at the nearest dwellings, I do not anticipate a level of impact on which I could substantiate an objection. I also note the proposed mechanical extraction system

including odour control measures detailed in drawing numbers JDQ309(1) + (2) and Systemair extract fan noise level specification.

On appraisal of these plans I can advise that while there will be the potential for cooking odour to be discernible from time to time and noise from the terminal vent audible at the nearest dwellings, I do not anticipate a level of impact on which I could substantiate an objection.

MCC Highways Officer - The application site has served as a convenience store historically and whilst the car parking provision for the store is limited it has functioned well through the existing availability of on-street car parking on Hereford Road. Considering the application on its merits the Highway Authority consider that the site has existing and historical retail use and it is proposed to change the current retail use for another. Based on this there are no reasonable grounds to object to the development - the proposal development is a retail for retail use and will continue to function as the convenience store has historically. Furthermore, it could be considered that a fish and chip shop will have less of an impact than the existing convenience store as opening hours tend to be limited to certain hours of the day as opposed to a convenience store which has unlimited opening hours. In light of the above comments there are no grounds to object to approval of the application.

Dwr Cymru Welsh Water - We would request that if you are minded to grant planning consent for the development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### 4.2 Neighbour Consultation Responses

14 Letters of objection from neighbouring households have been received

32 Letters of support from neighbouring households have been received

1 Letter providing a general observation regarding the application has been received

##### 4.2.1 Objection Letters

- Safety of Pedestrians and road users generally
- Increased levels of noise
- Vehicles blocking access to homes
- People nuisance – the tying of dogs to fences, people sitting on walls
- Detrimental effect upon the character of the village and the local area
- Smell, noise and disturbance a fast food outlet is bound to bring
- Waste paper carelessly thrown around together with the attraction of undesirables feeding themselves on the street in the area
- Absence of suitable parking provisions for its customers makes this not the place for it
- Litter problems, parking problems & undeclared opening hours
- Traffic problems
- Adverse effect on property values in the area

##### 4.2.2 Support Letters

- I do not feel this would be worse than it was whilst the previous shop and post office that were open for many years
- This will be a useful addition to the local community
- Great bit of news. The local community have needed a takeaway for years
- A welcome addition to the local community bringing employment and a better sense of community spirit to the village
- Mardy will benefit with a chip shop, more accessible than town

- It's about time we had a chippy, this is a good spot to have one
- There is a need for this as there is not anywhere in the village where you can get this service
- The property will remain in commercial use
- This would be a good asset to the local community
- There are no food outlets within walking distance. Local people will undoubtedly walk here so I cannot see that the parking is going to cause any more of an issue than the shop did when it was in full operation
- I believe it will be a very popular change to the local community
- A chip shop would benefit the area especially for some of the older residents who can't make it into town
- Will bring trade into the area
- Excellent idea
- Well done... so in need of this
- A great addition to the village
- Great for the local community
- Would like to see this open
- Would be a fantastic business for the Mardy area

#### 4.2.3 General Observation

- Concerns about the opening hours. The previous convenience store closed at 21.00 hours and I would suggest that this limitation should be placed on the current application

4.3 Councillor Malcolm Lane – Has recommended refusal of the application -concern regarding adverse opportunist parking while visiting the proposed chip shop, close to a pedestrian crossing.

## 5.0 **EVALUATION**

### 5.1 Principle of development

5.1.1 This application relates to the proposed change of use from a convenience store (A1 retail use) to a fish and chip shop (A3 use class) at Mardy Stores. The site lies within a designated neighbourhood centre as outlined in Policy RET3 of the LDP. The property the application relates to was previously a combined convenience Store and post office. The business has finished trading due to a decrease in footfall and the property has remained boarded up and empty since closure. The loss of this facility is not unacceptable given that the area would be adequately served by other similar retail facilities within the vicinity of the site in accordance with Policy CRF1 of the LDP. The principle of changing the use of the building to a fish and chip shop would not undermine the vitality and viability of the centre and would encourage footfall in the area in accordance with Policy RET3 of the LDP. The change of use would bring the unit back into beneficial use and would be acceptable within a designated neighbourhood centre.

### 5.2 Residential amenity

5.2.1 The previous retail use had long opening hours associated with it. As a convenience store customers visited the store throughout the course of the day and evening. The new proposal to change the use to a take away business would limit the hours that customers could visit the new facility to 9:30pm which would be reasonable given the proximity to nearby houses. The applicants, in support of their application have submitted details of their proposed internal layout along with details of the proposed extraction and filter system. These have been assessed by MCC's Environmental Health Officer who has found the

proposed units acceptable for their proposed use. The EH Officer has also recommended sound insulation to the party wall between the residential unit and the rear internal wall of the shop. This insulation must comply with Building Regulations regarding sound insulation. This is to reduce any noise impact upon the adjoining residents at the rear of the building. On balance it is not considered that the proposed change of use into a take away establishment would have an unacceptable impact on the residential amenity of neighbouring properties in accordance with Policy EP1 of the LDP.

## 5.2 Highways & Parking Issues

5.2.1 The property has existing limited parking to the front of the store, and, the kerbside is without double yellow lines, having a parking bay, allowing parking here at any time. Double yellow lines are in existence behind the parking bay allowing permanent access to the properties at the rear of the shop. Whilst it is noted this area has a particular 'pinch point' where the highway narrows, MCC Highways have fully reviewed the proposal and, considering the existing and historical retail use have concluded that there are no reasonable grounds to object to the proposed development. The Highways Officer outlined that a fish and chip shop would have less of an impact than the existing convenience store as opening hours tend to be limited to a narrower range of hours over the day.

5.2.2 The landlady of the nearby Crown & Sceptre Public House has submitted a letter supporting the proposed change of use. Within the letter she states she is willing and happy for users of the proposed fish and chip shop to use the car park at the rear of the pub free of charge. Whilst there is no legal agreement in place for this use, the applicant intends to advertise this free parking facility in the shop window should the proposed application be successful.

## 5.3 Response to Neighbour Objections

5.3.1 Many neighbour objections have been raised concerning this application relating to: potential problems stemming from anti-social behaviour, highway issues, parking problems, litter, footfall, smells and noise, pedestrian safety, access issues and a perceived detrimental effect upon the area. Having fully assessed the application and taking account of comments received from objectors and consultees, it is considered that the overall impact of the proposed change of use will have a limited effect upon the area.

5.3.2 The applicants have taken into account the concerns of neighbours and have consulted with the Council's Environmental Health service to ensure the correct equipment is installed to control smells and odours. The applicants have also confirmed they will employ the services of a local pest control company and a waste management company to ensure these potential issues are prevented from occurring to the best of their ability. Any oil waste is to be collected by the potential oil supplier.

5.3.3 The proposed take away business is an acceptable type of business for a neighbourhood centre and there is not considered to be a valid or material planning reason to refuse planning permission for the proposed development.

## 6.0 Conclusion

6.1 Having fully assessed the proposal to change the use from A1 to A3 use and taking into consideration comments received from consultees, objectors and supporters it is considered that the proposal is acceptable. The proposal is not considered to unacceptably harm the character or amenity of the existing area. As outlined above it is not considered the development would have an unacceptable impact on highway safety.

6.2 The proposed change of use is considered to be in accordance with LDP policies CRF1 and RET3. The proposal will re-use an existing retail building and provide additional employment opportunities to the community and it would enhance the vitality and viability of the area. The proposed change of use is considered to be in accordance with the relevant policies within the LDP: - S8, S13, S17, DES1 EP1, CRF1 and RET3.

## **7.0 RECOMMENDATION: APPROVE**

### **7.1 Conditions:**

- Standard Five Year Limit in which to commence development.
- Development To Be Carried Out In Accordance With The Approved Plans
- Hours of opening of the use, hereby approved, shall only take place between 11am and 9.30pm Mondays – Saturdays. There shall be no opening of the approved use on Sundays.
- Odour from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing, de-odorising filters and extract fan as submitted in the application, or otherwise in accordance with alternative proposals submitted and approved by the Local Planning Authority prior to the use commencing.
- **The food preparation extraction equipment shall be regularly maintained in order to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority.**
- **No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**
- Prior to the use commencing a grease trap shall be fitted in the drainage system for the property and maintained thereafter so as to prevent grease entering the public sewerage system.

### **Informative:**

In view of the adjacent residential use in the building, the development must comply with Building Regulations regarding sound insulation between the different uses.