

Application Number: DM/2023/01259

Proposal: Change of use from A1 retail unit to mixed use - D2 (part) soft play and skate park, D1 community hub as well as the original A1 use

Address: Core Shop - Caldicot Town Team, 43 Newport Road, Caldicot, NP26 4BG

Applicant: Aaron Weeks (Caldicot Town Team)

Plans: Floor Plans - Existing P01 (V2) - , Location Plan

RECOMMENDATION: Approve

Case Officer: Ms Kate Young

Date Valid: 20.09.2023

This application is presented to Planning Committee at the request of the local member Councillor Maria Stevens

1.0 APPLICATION DETAILS

1.1 Site Description

No 43 Newport Road is a three-storey building which fronts onto the pedestrian part of Newport Road in Caldicot, it has an A1 retail use and is a primary shopping frontage within the defined Central Shopping Area of Caldicot. There is a pedestrian access at the rear that gives access to a car park. The building is finished in brick and render and has a modern appearance. The first and second floors are used as residential accommodation.

1.2 Proposal Description

This full application seeks a change of use of the ground floor of the building from A1 to a mixed use D2 play area and skate park, D1 community Hub and A1 use. There would be no external alterations to the building.

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2023/01259	Change of use from A1 retail unit to mixed use - D2 (part) soft play and skate park, D1 community hub as well as the original A1 use.	Pending Determination	
DC/2006/01403	Proposed installation of a new shop front	Approved	14.02.2007

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S6 LDP Retail Hierarchy
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

RET1 LDP Primary Shopping Frontages
RET2 LDP Central Shopping Areas
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

Supplementary Planning Guidance

Primary Shopping Frontages Supplementary Planning Guidance April 2016:
[http://www.monmouthshire.gov.uk/app/uploads/2016/05/Primary-Shopping-Frontages-SPG-April\[1\]2016-with-footer.pdf](http://www.monmouthshire.gov.uk/app/uploads/2016/05/Primary-Shopping-Frontages-SPG-April[1]2016-with-footer.pdf)

Monmouthshire Parking Standards (January 2013)
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caldicot Town Council - recommend Refusal.
Further detail needed in planning application
Installation of skate park - occupiers liability, first aid provision
Lack of detail in drawings
Entrance/exit appears small
Clarity required for purpose/content of tanks on drawing

Health and Safety of storage and facilities for public use (hand wash, kitchen, toilets).

Environmental Health (Commercial Team) - No objection

Should there be a change of use at the premises, as per DM/2023/01259, Environmental Health (Commercial Team) would represent the enforcing authority for matters associated with the regulation of food hygiene, safety & standards, and workplace health & safety. The premises would be subject to routine inspection on this basis.

In relation to noise, EH have reviewed the information submitted and have carried out a site visit, it is considered that they are not in a position to substantiate an objection.

South Wales Fire Service

The main thing from the fire service is that this is done in accordance with UK legislation and is also captured in the Premises Risk Assessment. I believe there is living accommodation above, so I have copied in Justin Harris who is Business Fire Safety Officer for the station as well as Andy Luff the Station Commander for this area. I have also added some additional information regarding the disposal of lithium batteries.

MCC Building Control

This will need a Building Regulations Application because it is classified as a material alteration. Main considerations here are Fire Safety and Access to and use of a building which will include provision of a disabled (accessible) WC. Formal consultation with the Fire Service will be needed with an application. Unfortunately there is not enough information that has been submitted with this application to make any substantive comments. In order to comment further I would require existing floor plan and proposed floor plan layouts. The plans should indicate all fire safety measures such as fire doors, escape routes, locations of smoke alarm and detection, fire alarm panel, emergency lighting, intended occupancy of the building etc. Also details to be provided for an accessible WC and toilet facilities for the intended occupancy.

5.2 Neighbour Notification

An objection was raised addressing concerns such as:
Potential for this use to increase anti-social behaviour.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Maria Stevens – Objects.

There seems to be just 2 quite small entry/exit doors at the front of the property, considering the size of the premises/retail space.

Fire regulations? Not enough fire exits at the rear of the building/ accessible fire exits.

Tanks? What are they for and what will be stored in them?

Storage Areas? what will be stored in them?

Kitchen safety issues within an enclosed area.

Hygiene certification would need to be in place and will it be accessible to the public or staff for use.

Toilet facilities and use of. Will they be for public use?

Not enough rear access, it is too enclosed.

I request that this Planning Application be put through the full MCC Planning process.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

This application relates to a property in a primary shopping frontage within a central shopping area and therefore it falls to be considered under policies RET1 and RET2 of the LDP. Policy RET1 sets out that on the ground floor of properties within the Primary Shopping Frontage uses should be A1, A2 or A3. The proposal is to use the premises as a mixed use with the majority of the floor area being used for A1 and a small area to the back being used for the D1 uses.

PPW states in paragraph 4.3.1 that *"Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities."* The advice goes on to say that *'although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.'* The advice continues by saying that *Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening'.*

In this case the majority of the ground floor will remain as an A1 retail use; it is just the two areas at the back of the premises that will be changed to D2. Welsh Government advice encourages such uses in town centres. The two play areas, will enhance the vitality and viability of the town centre by encouraging footfall as they are destination uses, meaning that people have to visit to experience them. The site is very accessible and in a sustainable location so such uses should be encouraged as bringing people into the town centre who are then likely to utilise the other facilities within the town centre.

Policy RET1 of the adopted LDP states that on the ground floor of properties within the Primary Shopping Frontage uses should be A1, A2 or A3. The children's play area and skate ramps are a D2 Assembly and Leisure Use. Policy RET1 does make exceptions where it can be demonstrated that the proposed use would not harm the vitality of the street frontage, and where premises have been vacant for at least 2 years where genuine attempts at marketing the existing use have been unsuccessful.

In this case the D uses are not replacing the A1 use but are complementary to it at the rear of the property maintaining an active retail frontage to the property to Newport Road. The nature of town centres is changing, following both the banking crisis and the Covid Pandemic. Caldicot Town Centre has been particularly badly hit and there are several vacant retail units within the central shopping area. LDP Policy does not really reflect the changing economic climate and planning officers consider that a more flexible approach should be taken in line with more recent Welsh Government advice to help promote the vitality and viability of the Town Centre.

Caldicot Town Team, with the support of MCC, is trying to lead this approach by introducing working from home stations and hubs within the town centre. Given the change of use relates to a small proportion of the building, retaining the majority of the floor space for A retail uses it is not considered that the requirement for active 2 years of marketing is necessary. In addition, this would also delay the potential use of the rear of the building in providing a function that would encourage people to use the town centre.

The majority of the unit will be retained for retail purposes, and this would be secured via a condition, a small area of the building being utilised for alternative D1. The proposal accords with the more recent advice given in PPW and with the objectives behind the policy RET1 and that is to protect the vitality and viability of the town centre by increasing footfall. This type of use should be encouraged in town centres and the majority of the unit would be retained for retail purposes. It is also noted that the loss of the rear of the unit from retail use would not adversely affect the overall availability of retail space within the town centre. It is considered to provide a complementary and not competitive use.

6.2 Sustainability

The LDP and PPW encourages sustainable development with less reliance on car borne journeys. This site is located within a very sustainable location with most people using the facilities able to walk to the unit from the adjoining residential areas. People visiting the premises may combine their trips with visits to other local shops. No 43 Newport Road is considered a sustainable location for community facilities/ leisure activities and accords with one of the key objective of PPW providing development in a sustainable location.

6.3 Good Design and Place Making

There are no external alterations proposed by this application for a change of use.

6.4 Impact on Amenity

Policy EP1 requires all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties. To the south west of the site is Caldicot Methodist Church, to the north east is a retail unit. Both 41 and 43 Newport Road have residential accommodation at first floor level. The addition of a soft play element in the rear of the building will not impact on residential amenity especially as there are no windows in this part of the building. The skateboard ramps are at the very back of the property and access via a door at the rear. It is intended that the ramps will be available for use in the evenings but that the activity will be supervised by an adult at all times. There will be some noise generated by users of the ramps but as the ramps are at the rear of the flat roofed part of the building approximately 40 metres from the residential flats, this will not have a significant adverse effect. This is a town centre location where there is already a high level of background noise. This has been confirmed by the Environmental Health Officer who has reviewed the information and carried out a site visit. A condition can be imposed limiting the hours of operation.

The proposed change of use will not cause an unacceptable harm to local amenity, health or character of the area, it does have regard to the privacy, amenity and health of the occupiers of the neighbouring residential flats and therefore accords with the objectives of Policy EP1 of the LDP.

6.5 Highways

The change of use of part of the buildings to D2 use and its use as a community hub should not generate any significant additional traffic movements. This is a town centre accessible by pedestrians. The site is also adjacent to a public car park.

6.6 Landscape and Biodiversity

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). In this case the scale of the development is small, however proportionate ecological enhancement is achievable and so a condition to secure this is proposed.

6.7 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15. The Flood Maps for Planning in the emerging TAN shows this site along with the rest of Caldicot Town Centre to be in a Zone 3 for flooding by sea.

6.8 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SAC's of the Wye and Usk and

their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.9 Response to the Representations of Third Parties and Town Council

The town council and local member have both said that the entrance and exit doors into the building are too small. The property has operated as an A1 retail unit for many years without any known problems. The size of the doors is an operational matter and not a material consideration concerning the planning application or a reason to refuse the proposals.

The tank at the rear of the building next to the toilets is existing and likely to be a water tank.

The town council and local member also refer to health and safety issues with regards to hand washing and toilets; this is not a material consideration but it is covered by other legislation. Environmental Health Officers (Commercial Team) would represent the enforcing authority for matters associated with the regulation of food hygiene, safety standards, and workplace health & safety. The premises would be subject to routine inspection on this basis. There is no A3 Hot Food use at the site. Inside the shop there is a table containing a kettle and mugs for people to make cups of tea and coffee for themselves.

The local member is concerned that the building does not meet fire regulations, again this is not a material planning consideration, although the South Wales Fire Service was contacted by our Environmental Health Officers. The local member is also concerned about what will be stored in the building - this is not relevant to the planning application

6.10 Well-Being of Future Generations (Wales) Act 2015

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.11 Conclusion

6.11.1 The application relates to the change of use of the rear of the existing retail unit, incorporating a small proportion of the overall available floor space. Despite not being in strict compliance with the adopted LDP policy, this application does relate to a small proportion of the unit and not the whole. The majority of retail space facing the main shopping street will be retained. In line with Planning Policy Wales, the planning authority is committed to protecting its town centres and encouraging uses that are considered to be complementary and contribute to their economic vitality and vibrancy. It is considered that on balance the change of use of the rear of the building will not have a detrimental effect on the provision of retail space in the town centre and therefore is considered acceptable.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 The skateboard ramps shall not be used for the approved purposes outside the following times 09:00 to 20:00 on any day.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

3 The D2 Uses shall only take place in the areas shown on The Ground Floor Plan P01 V2 and in no other parts of the building. 560 sqm of retail space shall be retained for A1 use and not used for any D use.

REASON: To ensure that the principle use of the building remains as a A1 use to protect the vitality of the Town Centre in line with policies RET1 and RET2 of the LDP

4 Prior to the commencement of development a scheme of ecological enhancement to provide net benefit to biodiversity is submitted to and approved in writing by the local planning authority. This shall include full details of the location and specification of ecological enhancements and the timing of their inclusion. The details shall then be implemented as approved within a timescale to be agreed and shall be retained in perpetuity.

REASON: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1