

REFERENCE: P/20/422/FUL

APPLICANT: Mr S Beynon: Tewgoed House, Pentremeyrick CF71 7RN

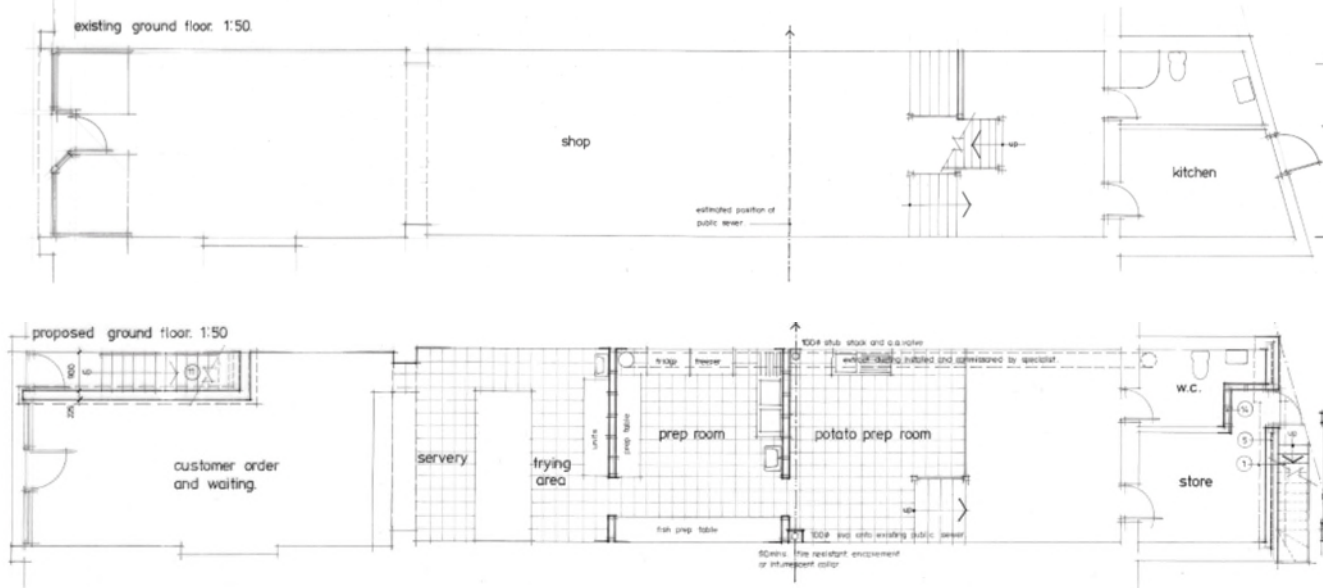
LOCATION: 66 Nolton Street, Bridgend CF31 3BP

PROPOSAL: Change of use from shop (use class A1) to hot food takeaway (Use Class A3)

RECEIVED: 16 June 2020

APPLICATION/SITE DESCRIPTION

The application seeks consent to change the use of the ground floor from A1 (vacant retail unit) to A3 (hot food takeaway).



The application site is located on the western side of Nolton Street opposite the junction with Edward Street, Bridgend. The premises is currently vacant however, the previous use was as a used goods/second hand store (Miscellaneous).



External works including alterations to the shop front and the creation of a fire escape to the rear were approved under a previous application for the change of use of the first floor of the building to residential use (P/19/908/FUL refers).

The application site is located within the Primary Key Settlement of Bridgend as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). It lies within the Sub Regional Centre of Bridgend which is recognised as being a focus for retailing, cultural and leisure activities within the County Borough.

RELEVANT HISTORY

85/0031 Withdrawn 28 January 1985
Change of use from shop to restaurant

85/1180 Unconditional consent 9 January 1986
Change of upstairs flat to living accommodation for proprietors of business on ground floor

P/10/371/FUL Conditional Consent 19 July 2010
First floor rear extension and general repairs to shop

P/19/908/FUL Conditional Consent 28 January 2020
Change of use with associated alterations of the first floor from retail into two 1 bedroom residential flats

PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 28 July 2020.

CONSULTATION RESPONSES

Land Drainage Officer - No objection.

Public Protection - Shared Regulatory Services - No objection subject to a condition. However, following further consultation and the submission of additional information the condition is no longer required.

Bridgend Town Council - No objection.

Councillor M C Voisey requests the application be reported to full Committee as he has concerns regarding the proposal. The proposal may breach or create an over development of takeaway type establishments to the detriment of the area and have potential to lead to extra noise and traffic.

Councillor Lyn Walters has concerns regarding over saturation of takeaways as drains have to be periodically cleared in Nolton Street due to fat blockages

Highways Officer – No objection. It is considered that in traffic generation terms the retail shop would be comparable with the hot food takeaway during the daytime. In addition, during the daytime a hot food takeaway may form part of a linked trip to the town centre similar to the existing shop and therefore it is considered the proposal will result in a nil detriment situation in traffic generation terms. It is also noted there are concerns that this proposal will have a detrimental impact on kerbside parking on Nolton Street however, it is considered that there are adequate and enforceable parking restrictions within the parking laybys on Nolton Street both during the daytime and night. This will ensure that any parking generated by the proposal does not result in a detrimental impact or highway safety concern.

REPRESENTATIONS RECEIVED

64 Nolton Street has objected for the following reasons:-

- Nolton Street already has an oversupply of takeaways

- problem with rats inside and outside of the property
- excessive noise from people queuing and hanging around outside
- problem with parking - cars park on pavements and using disabled parking spaces (often with no blue badge)

First floor flat 68 Nolton Street has objected for the following reasons:-

- too many food outlets in Nolton Street
- problems with rodents
- major parking and traffic issues

Ashoka, 68 Nolton Street has objected for the following reasons:-

- too many food outlets in Nolton Street
- problems with rodents
- major parking and traffic issues

COMMENTS ON REPRESENTATIONS RECEIVED

With regards to objections received, any issues relating to rodents or excessive noise would need to be reported to the Council's Public Protection Section who would investigate the matter. All other objections raised have been addressed in the application appraisal.

APPRAISAL

The application is referred to Committee at the request of the Local Ward Member and to consider the objections received from local residents and occupiers.

The proposal seeks to change the use of ground floor from Use Class A1 (shop) to A3 (hot food takeaway).

PRINCIPLE OF DEVELOPMENT

The application site is located within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013).

Policy SP10 of the Local Development Plan (2013) states *all new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor*. The ground floor area of the property will be utilised as a hot food takeaway (Chip Shop) and as such, the proposal is considered to be compliant with Policy SP10 of the Local Development Plan (2013).

No concerns are raised which relate to the principle of the development in this town centre location.

In terms of the concentration of similar uses particularly hot food takeaways (A3), the relevant supplementary guidance note (SPG14 – Hot Food Takeaway Establishments 2007) states that each Planning application for hot food takeaway establishments in the County Borough will continue to be treated on their own merits with primary consideration being given to the policies in the adopted Development Plan and the provisions of this Supplementary Planning Guidance.

The document goes on to state that where clusters of hot food takeaway establishments exist or arise, the effects on residential amenity can be compounded to an unacceptable level. Therefore, Note 5 of the SPG advises that in location Category 3 areas such as this one, the Local Planning Authority will seek to prevent developments that would result in

new or exacerbate existing clusters of hot food takeaway establishments which would have an unacceptably adverse impact on local residential amenity.

It should be noted that between the start of the one way system of Nolton Street from the junction with Cowbridge Road to the junction with Brackla Street approximately 9 of the 65 units on either side of the road are hot food takeaway establishments (Jade; Delhi Spice; Lucky Star; Raj Balti; the Golden Bowl; Exotic Shaad; Ashoka; Wapchan and Southern Fried Chicken and Kebab Shop.

The additional takeaway facility proposed would result in around 15% of the units along this section of Nolton Street which does not constitute a cluster or an over-concentration of similar uses having an overly adverse impact on local residential amenity, particularly having regard to advice from Public Protection and the proposed opening hours of the hot food takeaway.

It should also be noted that the unit is vacant and an important consideration in this case is the effect of an empty commercial unit on the vitality and attractiveness of this part of the sub Regional Centre as required by Policy SP10. As there are a number of other vacant ground floor units in this area, it is considered that the occupation of this shop unit will add to the level of interest and activity at street level throughout the day and evening in compliance with policy SP2 of the LDP.

DESIGN

The submitted plans show alterations to the shop front and also the construction of a fire escape to the rear of the premises which formed part of Planning consent P/19/908/FUL for the change of use of the first floor to residential use. The alterations referred to were considered to be limited and would not detract from the character or appearance of the building or wider area and were approved under this application. As such, the design of the proposal is not considered to be relevant in this instance however, any alternative proposals for the shopfront will be the subject of a separate application.

AMENITY

Policy SP2 of the LDP seeks to ensure that all developments contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located.

In terms of the likely impact on residential amenity and noting the hours of operation of the proposed use and the siting of the application building within a key retail centre, such a proposal raises no significant harmful concerns in this regard.

The content of Supplementary Planning Guidance 14 - Hot Food Takeaways has also been noted in this instance and this advises that A3 uses in such mixed use locations should not be open to customers later than 1am. The applicant has detailed on the submitted application form that the use would operate as follows:-

Monday – Saturday	9am – 10:30pm
Sunday and Bank Holidays	9am – 11:00pm

A condition will be added to the recommendation to ensure these times are adhered to.

HIGHWAYS

Paragraph 3.45 of Planning Policy Wales (Edition 10, December 2018) states *Spatial strategies should support the objectives of minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and use of public transport.*

In addition, The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will contribute towards decarbonisation, improving air quality, increasing physical activity, improving health of the nation and realising the goals of the Well-being of Future Generations (Wales) Act 2015. Criterion (6) of Policy SP2 of the Local Development Plan (2013) relates to sustainability and advises that development should have *good walking, cycling, public transport and road connections within the outside of the site to ensure efficient access.*

The application site is located within Bridgend Town Centre which is readily accessible on foot or bicycle. The site is within close proximity to Bridgend Railway Station, Bridgend Bus Station and to a number of bus stops within the vicinity. Users of the application site are also within close proximity to a number of private and public car parks, namely Rhiw Multi-storey Car Park, Simply Park Nolton Street Car Park, Brackla Street Car Park, Brackla Multi-storey Car Park and Asda Superstore.

The proposal will result in a nil detriment situation in traffic generation terms and there are adequate and enforceable parking restrictions within the parking laybys on Nolton Street, both during the daytime and night. This will ensure that any parking generated by the proposal does not result in a detrimental impact or highway safety concern.

It is therefore considered that the proposed change of use is to be located within a sustainable location and the proposal is therefore considered to be acceptable from a highway and pedestrian safety perspective, in accordance with Policies SP2 and PLA11 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018).

DRAINAGE

The Land Drainage Section considers that the development is acceptable from a drainage perspective because no additional floorspace is proposed.

An appropriately worded advisory note could be included within any decision notice granting permission for the proposed development highlighting the need to consult Dwr Cymru Welsh Water to discuss the potential requirements for trade effluent in relation to grease traps etc. within the foul drainage network.

PUBLIC PROTECTION

The Public Protection Section has recommended the inclusion of a planning condition which ensures details of the extraction and odour abatement system are submitted to the Local Planning Authority prior to the beneficial use of the development.

The applicant has provided this information and the Public Protection Section was re-consulted on 6 and 12 October 2020. They consider that the information submitted is satisfactory and the condition is no longer necessary. Therefore the proposal is considered acceptable from a public protection perspective, in accord with criterion (4) of Policy REG6 and (8) of Policy SP2 of the Local Development Plan (2013).

Whilst determining this application Policies SP2, SP3, PLA11 and SP10 of the Bridgend Local Development Plan, Supplementary Planning Guidance 14 Hot Food Takeaway Establishments and guidance contained within Planning Policy Wales (Edition 10, December 2018) were considered.

CONCLUSION

The proposal is considered to be appropriate in terms of design, highway safety and amenity in accordance with Policies SP2, SP10 and PLA11 of the Local Development

Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018) and Supplementary Planning Guidance 14 Hot Food Takeaway Establishments.

The re-use of an empty ground floor unit as a commercial establishment in a part of the designated sub-regional centre that has a relatively high vacancy rate when compared to the northern part of Nolton Street will preserve the amenities of the area and will contribute rather than detract from the vitality and attractiveness of the centre without resulting in an over-concentration of similar uses in one area.

Therefore, on balance, the application is recommended for approval subject to the imposition of the conditions.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:

Plans and elevations - received 16 June 2020

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The use hereby permitted shall not be open to customers outside the following times:-

Monday to Saturday 08:00 and 22:30
Sundays and Bank Holidays 09:00 and 23:00

Reason: In the interests of residential amenities.

3. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

The proposal is considered to be appropriate in terms of design, highway safety and amenity in accordance with Policy SP2 and PLA11 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018). It is recommended for approval subject to conditions.

The applicant is advised to contact Dwr Cymru Welsh Water to discuss potential requirements for trade effluent in relation to grease traps etc. within the foul drainage network.

JONATHAN PARSONS
GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES

Background Papers

None