

REFERENCE: P/21/337/FUL

APPLICANT: Mr A Williams: 44 Coity Road, Bridgend, CF31 1LR

LOCATION: 76 Nolton Street, Bridgend CF31 3BP

PROPOSAL: Change of use from Use Class A1 to Use Class A3 (takeaway and delivery)

RECEIVED: 13 April 2021

SITE INSPECTED: 21 June 2021

DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of the ground floor of 76 Nolton Street, Bridgend, from Class A1 (Shop) to Class A3 (Food and Drink), as defined by The Town and Country Planning (Use Classes) Order 1987.



OS Map Extract of Application Site

The property was formerly operated as a sweet shop known as Ella Riley's but is currently vacant. This proposal comprises the change of use to a pizza takeaway premises which is proposed to operate between the hours of 17:00 and 21:00, seven days a week. The pizza takeaway premises will employ two full-time and ten part-time members of staff, equivalent to a total of seven full-time staff members.

No external alterations are proposed as part of this development proposal.

SITE DESCRIPTION

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) and is identified under Policy SP10 as being within the Sub Regional Centre of Bridgend.

It comprises a three storey end-of-terrace building which encompasses a corner plot between Nolton Street and Chapel Street. The building has stone elevations, partially painted in a cream/yellow colour, and principally faces the east, fronting Nolton Street. The ground floor has a traditional-style shop front, as shown below:



Google Street View Image

The property is accessed from the existing access point on its eastern elevation off Nolton Street and benefits from a secondary access point on its northern elevation, accessed from Chapel Street.

The properties within the immediate vicinity of the application site are similar in character and appearance, predominantly being two-three storey buildings with shopfronts facing Nolton Street. The area is commercial in nature.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
A/04/40/ADV	Fascia and double sided projecting sign (internally illuminated) plus 5m x1m vertical banner (Crown Immunity No 18/84)	No objection	18/11/2004
P/00/705/FUL	Change of use of ground floor from retail to B1 office use	Unconditional Consent	04/10/2000

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Town Council 16 June 2021	Objects to the development on highway safety grounds.
Transportation Officer (Highways) 27 May 2021	The proposal will result in a nil detriment situation in traffic generation terms and no objection is raised.
Town Centre Manager 1 June 2021	This property is a long term empty unit which is located in a secondary retail area of the town centre. In line with a general over accommodation of A1 space in the town centre a change to A3 seems a sensible approach which brings a vacant unit back into beneficial use.
Shared Regulatory Services Public Protection: Noise 16 July 2021	No objection.

REPRESENTATIONS RECEIVED

The application has been advertised through the erection of a site notice and direct neighbour notification to thirteen of the closest neighbouring properties. The time period provided for response to consultations/publicity expired on 16 June 2021.

No letters of objection have been received from third parties within the consultation period.

Cllr L Walters stated in a consultation response dated 27 May 2021 that no objection is raised.

Cllr M Voisey requested in a consultation response dated 27 May 2021 that the Planning application is determined by the Development Control Committee due to concerns relating to a high number of takeaway outlets within the immediate vicinity of the application site, additional traffic generated by the proposed takeaway outlet and an increase in potential nuisance for residential properties in the evenings.

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013 and within which the following policies and supplementary Planning guidance are relevant:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP10	Retail and Commercial Hierarchy

Supplementary Planning Guidance 3	Shopfronts
Supplementary Planning Guidance 14	Hot Food Takeaway Establishments
Supplementary Planning Guidance 17	Parking Standards

National Policies

In the determination of a Planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 4	Retail and Commercial Hierarchy
Planning Policy Wales TAN 11	Noise
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 18	Transport
Planning Policy Wales TAN 23	Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales

- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to the Development Control Committee at the request of the Local Ward Member (Cllr. M. Voisey) and to consider the objection raised by Bridgend Town Council.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the Local Development Plan (2013). The site is allocated under Policy SP10 as being within the Sub Regional Centre of Bridgend within the retail and commercial hierarchy.

The Local Development Plan (2013) recognises that the town and district centres have been, and will continue to be, the focus for retailing, cultural and leisure activities within the County Borough. Bridgend occupies the position at the top of the County Borough retail hierarchy and is defined as a sub-regional town centre. It contains the largest number and widest range of shops of any commercial centre in the County Borough.

Policy SP10 stipulates that “all new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor”. The proposal is considered to be compliant with Policy SP10 of the Local Development Plan (2013) as it contributes to and sustains the vitality of Bridgend Town Centre. No concerns are raised in respect of the principle of development in this town centre location.

The Local Ward Member has raised a concern that Nolton Street has a high number of takeaway premises which should be considered in the determination of this application.

Supplementary Planning Guidance Note 14 Hot Food Takeaway Establishments (SPG14) states at paragraph 5.1 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 SPG14”. With reference to the clustering and over-concentration of hot food takeaways, Note 5 of SPG14 stipulates 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 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 south of the application site) to the junction with Brackla Street (to the north of the application site), approximately 10 of the 65 units on either side of the road are hot food takeaway establishments which equates to around 16% of the units being takeaways along this section of the road.

The figure of 16% is not, on balance, considered to constitute a cluster or an over-concentration of similar uses in one particular area. 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 of Bridgend, 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 evening in compliance with Policy SP2 of the LDP. Indeed, as stated in a consultation response from the Town Centre Manager, the property is a long-term empty unit which is located within the secondary retail area of the town centre and, given the over provision of units operating within an A1 Use Class, a change of use to an A3 Use Class which will occupy an empty unit and bring it back into beneficial use, is preferred to an empty unit.

In consideration of the application as a whole and given the context of the application site within a part of a designated sub-regional centre that has a relatively high vacancy rate when compared to the northern part of Nolton Street and given the overprovision of A1 Use Classes within the town centre, the re-use of a vacant empty ground floor unit is considered to contribute to, rather than detract from, the vitality and attractiveness of the centre without resulting in an over-concentration of similar uses in one area to the detriment of the amenities of the area. Therefore, on balance, the scheme is considered to be acceptable in principle and given the context of the site, is not considered to result in an over-concentration or cluster of A3 Uses.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

As no external alterations are proposed as part of this development, no further consideration is given to the impact of the development on the visual amenities of the area. Any alternative proposals for the alteration of the shopfront will be the subject of a separate Planning application.

NEIGHBOURING/RESIDENTIAL AMENITY

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that “placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”.

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals.

Supplementary Planning Guidance Note 14 Hot Food Takeaway Establishments (SPG14) refers specifically to takeaway establishments where the primary purpose of the business is the sale of hot food for consumption off the premises. It is considered to be relevant in this case as the application site is within the town centre and its impact on residential amenity must be assessed.

Bridgend Town Centre is considered to fall within location Category 3: a location within a generally commercial area with a mixture of commercial uses on the ground floor but residential flats above or residential premises in close proximity. According to SPG14,

within location Category 3 areas there will be some disturbance to residential premises late at night or early morning. Notwithstanding this, “residents should still have the expectancy that existing amenity should not be worsened unreasonably” and therefore any permission for a hot food takeaway will be conditioned so that it shall not open to customers later than 01:00.

As the applicant proposes to operate the business between the hours of 17:00 and 21:00, it is considered that the existing levels of amenity afforded to neighbouring occupiers will not be worsened as a result of the proposal. Notwithstanding the hours requested by the applicant, it would seem reasonable to include lunchtime trade as an option and therefore, subject to the imposition of a Planning condition which limits the hours of operation, the proposal is considered to be acceptable in this respect.

The Public Protection Section has raised no concerns with the proposal in respect of residential amenity and therefore the proposal is considered to be acceptable in this regard, compliant with the guidance contained within SPG14 and criterion (12) of Policy SP2.

HIGHWAY SAFETY

Criterion (6) of Policy SP2 aims to assess the site’s sustainability in terms of walking, cycling, public transport and road connections to ensure efficient access to the proposed development. In addition, one of the main purposes of PPW11 is to seek to minimise the need to travel by car and maximise opportunities for people to make sustainable and healthy travel choices for their daily journeys. Paragraph 4.1.9 of PPW11 states “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 make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act”.

The development site is highly sustainable in terms of its pedestrian, cycling and public transport linkages owing to its location within the centre of Bridgend. It is readily accessible with regular buses and trains and benefits from having community facilities within walking distance. 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 Highway Authority notes the concerns raised by the Local Ward Member and the objection by Bridgend Town Council which relate to traffic generation and the over intensification of the highway, together with lack of on-street parking provision however, in consideration of the scheme no objection is raised.

The proposed change of use is considered to be of nil detriment in traffic generation terms. 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. In addition, the property has previously operated within an A1 Use Class. Given this, it is considered that in traffic generation terms the retail shop would be comparable with a hot food takeaway facility during the daytime, as a hot food takeaway may form part of a linked trip to the town centre.

Given the above, it is considered that the proposed change of used is acceptable in terms of its impact on highway and pedestrian safety as it is located within a sustainable location and is of nil detriment in highway safety terms, in accordance with Policies SP2 and SP3

of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 11, February 2021)(PPW11).

CONCLUSION

Having regard to the above and notwithstanding the objections raised, in this case, on balance, it is considered that the proposed development is appropriate in terms of highway safety and amenity, in accordance with Policies SP2, SP3, SP10 and PLA11 of the adopted Local Development Plan (2013), Supplementary Planning Guidance Note 14 and guidance contained within Planning Policy Wales (Edition 11, February 2021).

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 increase footfall and 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 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 drawing and documents:
 - Site Location Plan received on 13 April 2021;
 - Gas Fired Pizza Oven Details received on 5 May 2021;
 - Pizza Oven Details received on 5 May 2021;

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

2. The use hereby permitted shall only be open to customers between 11:00 hours and 21:00 hours.

Reason: To retain effective control over the use of the site.

3. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION *
Having regard to the above and notwithstanding the objections raised, in this case, on balance, it is considered that the proposed development is appropriate in terms of highway safety and amenity, in accordance with Policies SP2, SP3, SP10 and PLA11 of the adopted Local Development Plan (2013), Supplementary Planning Guidance Note 14 and guidance contained within Planning Policy Wales (Edition 11, February 2021).

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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background papers

None