

REFERENCE: P/21/907/FUL

APPLICANT: Poison Ivy
c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend CF31 3NN

LOCATION: 106 Nolton Street, Bridgend CF31 3BP

PROPOSAL: Change of use from hairdressing salon to A3 cafe bar/wine bar (no hot food or takeaway element)

RECEIVED: 24 September 2021

SITE INSPECTED: 21 October 2021

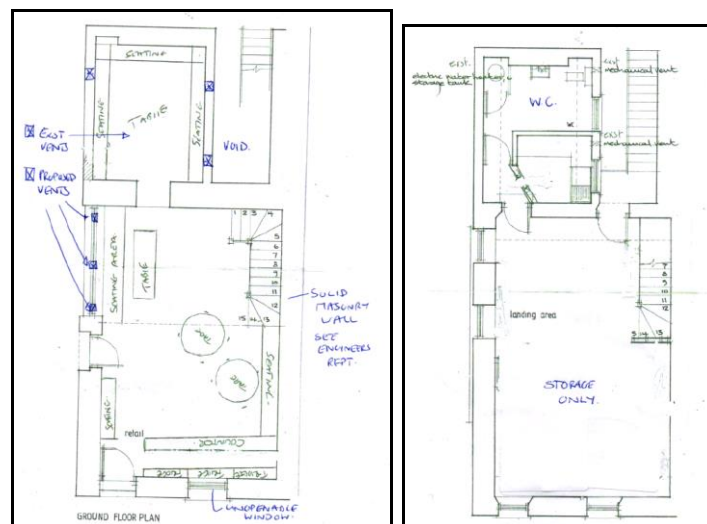
DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of the property known as 106 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 premises was previously operated as a hairdressing salon but has been vacant since around March 2020. This proposal comprises the change of use of to a café bar/wine bar (no hot food or takeaway) which is proposed to operate between the hours of 16:00 and 23:00 Thursday to Saturday and 12:00 to 20:00 on Sundays with a maximum capacity of 35 people. The café bar will operate at ground floor only with customers only accessing the first floor for use of the toilets. The proposed floor plans are reproduced below:



Proposed Ground and First Floor Plans

No external alterations are proposed as part of this proposal.

SITE DESCRIPTION

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the adopted Local Development Plan (2013) and is situated on Nolton Street at its junction with Langenau Strasse (A473) Primary Route. The site is accessible on foot from Nolton Street and benefits from having a secondary pedestrian access point on its southern boundary on Langenau Strasse.

The site itself comprises a two storey building which faces east. It is set on a corner plot between Nolton Street and Langenau Strasse, as shown below:



Application Site

The site is also identified as being within the Sub Regional Centre of Bridgend and is positioned around 30 metres to the north of the Local Service Centre of Five Bells Road, both identified under Policy SP10 of the adopted Local Development Plan (2013).

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/04/1287/FUL	Installation of a ramp for disabled access	Withdrawn	17/10/2005
P/11/485/LAP	App for Lawful Development Certificate – domestic flat above shop premises	Granted	08/08/2011
P/12/36/ADV	Replacement signage	Withdrawn	22/11/2012
P/12/851/FUL	Alterations to shop front – change of colour, re-render side elevation and render to front door	Unconditional Consent	18/01/2013

PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. In response to the consultation undertaken, an objection has been raised by the owner of 104 Nolton Street, the adjoining property to the north.

The property known as 104 Nolton Street is a residential property and whilst currently

vacant, is habitable. The objections relate to the following:

- Lack of off-street parking and facilities for deliveries of beer/wine etc;
- Proximity of other licensed premises to the application site;
- Size of the property is not conducive to operate as a café bar;
- The detrimental impact of the development on the amenity of future occupiers of the adjoining property and other properties within Nolton Street

Factors to be taken into account in making Planning decisions must be Planning matters; that is, they must be relevant to the proposed development and use of land in the public interest. The concerns raised which relate to property value are not considered to be material to the determination of this Planning application and are not addressed further in the appraisal section of this report.

No further third party representations have been received within the consultation period which expired on 18 February 2022.

CONSULTATION RESPONSES

CONSULTEE

COMMENTS

Cllr M Voisey

16 February 2022

Request that the application is presented to the Development Control Committee Meeting to discuss matters relating to the number of food establishments on Nolton Street, proposed opening hours and noise impact on nearby properties.

Cllr L Walters

16 February 2022

Request that the application is presented to the Development Control Committee Meeting to discuss the proposed opening hours and noise impact on nearby properties.

Town Council

8 November 2021

Bridgend Town Council raised no objection to the proposed development subject to the imposition of a Planning condition which limits the operating hours to 10pm at the latest to avoid disruption to nearby residential properties.

Highways Officer

7 February 2022

No objection subject to the inclusion of the recommended Planning conditions.

Shared Regulatory Services/ Public Protection: Noise

4 March 2022

No objection subject to the inclusion of the recommended Planning conditions.

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, 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 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 Development

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 compromising 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 Members, Cllr L Walters and Cllr M Voisey and to consider the objection from the adjoining neighbour.

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 will contribute to and sustain 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 Cllr M Voisey has raised a concern that Nolton Street has a high number of food establishments and takeaways which should be considered in the determination of this application.

It should be noted from the outset that this application does not propose to operate as a takeaway facility and the guidance contained within Supplementary Planning Guidance Note 14 - Hot Food Takeaway Establishments (SPG14) is not relevant in assessing the concerns raised relating to the number of food establishments in this particular area.

As there are a number of other use classes operating within the immediate vicinity of the application site (A1, C3), it is considered that the occupation of this premises as an A3 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. The 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 the 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 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 scheme is considered to be acceptable in principle and, given the proposed use as a café bar and the context of the site, is not considered to result in an over-concentration or cluster of hot food takeaway establishments in the immediate area.

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 building/shopfront or for signage will be the subject of a separate Planning or Advertisement Consent applications.

IMPACT ON NEIGHBOURING AND RESIDENTIAL AMENITY

The main consideration in the determination of this application is the impact of the development on 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.

Whilst the proposal does not relate to a takeaway, Supplementary Planning Guidance Note 14 Hot Food Takeaway Establishments (SPG14) designates Bridgend Town Centre as a Location Category 3 i.e. 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.

Within Location Category 3 areas it is accepted that there will be some disturbance to residential premises late at night or in the early morning. Notwithstanding this, *residents should still have the expectancy that existing amenity should not be worsened unreasonably.*

The applicant originally proposed to operate until midnight, however, given that the adjoining property (104 Nolton Street) is a residential premises, further detail was sought from the applicant by Shared Regulatory Services in respect of noise. In support of the application, the applicant submitted a Noise Impact Assessment by Hunter Acoustics, dated February 2022.

The scope and methodology of the Noise Impact Assessment was originally agreed with Shared Regulatory Services on the basis that a sound insulation test could be carried out between 106 Nolton Street and the adjoining property (104 Nolton Street). However, access was not granted by the landlord of 104 Nolton Street and, as a result, a revised scope and methodology was agreed covering an acoustic design appraisal of the separating wall.

The Noise Impact Assessment has been carried out by assessing the existing structure's sound insulation performance and has determined the likely noise levels in the adjacent dwelling. A civil engineer has carried out a survey of the property to ascertain the separating wall construction which is confirmed as 580mm masonry/stone, plastered both sides.

The sound insulation performance of the wall shows a predicted overall performance of 64dB Rw. The café bar operating until 23:00 and with a maximum capacity of 35 people is proposed to have an overall predicted level of 23dB(A) which is below the guidance values quoted in BS 8233:2014 (35dB LAeq,T daytime and 30dB LAeq,T night-time). The noise impact of customers using the staircase to access the toilets at first floor level is also indicated to be insignificant.

The Noise Impact Assessment has been reviewed by Shared Regulatory Services Officers who offer the following comments:

The sound insulation performance of the wall has been assumed based upon an examination of the thickness of the wall and its construction. However, no access was granted by the owner of the adjacent property and no sound insulation test was undertaken as a result of this.

If the wall does perform to its assumed rating and provided that the premises only operates until 23:00 and the first floor is not used by customers, any impact will be minimised.

Given the above, Shared Regulatory Services Officers conclude that the proposed change of use is acceptable subject to the inclusion of recommended Planning conditions which limit the operating hours of the premises together with the use of the first floor (other than for use of the toilets) and limit the type of windows at ground floor level to be non-opening on the Nolton Street elevation of the property.

In addition, to ensure that the amenity of neighbouring residents is protected for as long as the use remains, it is recommended that a condition is imposed requiring the submission of a Noise Assessment to be undertaken in the instance that a complaint is received from an occupant of the adjoining property.

If a complaint is received, the Noise Assessment Report will require the operator of the business to employ an approved consultant to assess the level of noise emissions generated by the café bar from the complainant's property. Once the Noise Assessment Report has been received and it is established that the noise emissions exceed the noise limits set out in the Noise Impact Assessment (64dB Rw), the operator shall propose a scheme to mitigate the breach and to prevent its future recurrence. Any mitigation requirements shall be retained thereafter in the interests of residential amenity.

Given the recommendations of the submitted Noise Impact Assessment and the imposition of a condition which requires the submission of a further assessment report and subsequent mitigation works should the assumed levels of the Noise Impact Assessment be proven to have been breached, the development is, on balance, considered to be acceptable in this regard and complies with criterion (12) of Policy SP2 of the Local Development Plan (2013).

HIGHWAY SAFETY AND PARKING PROVISION

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 that *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 by 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 Five Bells Road, the Rhiw Multi-storey Car Park, Simply Park Nolton Street Car Park, Brackla Street Car Park, Brackla Multi-storey Car Park and Asda Superstore.

The Highways Officer notes the concerns raised by the owner of the adjoining property in respect of off-street car parking and deliveries however, in consideration of the scheme, no objection is raised.

The proposed change of use is considered to result in a nil detriment in traffic generation terms as the proposed use of the premises as an A3 unit would not give rise to any highway issues above and beyond that of the current A1 use. 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 café bar not operating as a takeaway facility.

Given the above, it is considered that the proposed change of use is acceptable in terms of its impact on highway and pedestrian safety as it is located within a sustainable location and results in a 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 residential 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 to, 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 drawings:
 - Location Plan received on 24 September 2021
 - Proposed Ground Floor Plan RP/02/A received on 4 February 2022
 - Proposed First Floor Plan RP/01/A received on 4 February 2022.

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

2. The development shall be implemented in accordance with the Noise Impact Assessment, written by Hunter Acoustics and dated 4 February 2022, to include for the provision of a soft floor finish on the staircase, and the measures shall be retained in perpetuity.

Reason: In the interests of neighbouring residential amenities.

3. Only the ground floor of the premises shall be used as a café bar/wine bar (no hot food), with the exception of the use of the customer toilets at first floor level, with no food or drink being sold for consumption off the premises and for no other purpose including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order. The café bar shall only be open between the following times:-
Monday to Saturday 16:00 and 23:00.
Sundays and Bank Holidays 12:00 and 20:00.

Reason: In the interests of residential amenities.

4. Notwithstanding Condition 1, any windows at ground floor level fronting Nolton Street (eastern elevation) shall be non-openable. Any ventilative openings required for the café bar are to be located on the southern elevation of the property fronting Langenau Strasse.

Reason: In the interests of neighbouring residential amenities.

5. Should the Local Planning Authority (LPA) receive a written complaint alleging noise disturbance from the café bar at a place of residence, the LPA will contact the operator of the business who shall instruct a noise consultant to assess the level of noise disturbance at the complainant's residential property as soon as reasonable (any written complaint to

the Local Planning Authority must set out the date, time and location that the complaint refers to).

The consultant's noise assessment report (including all noise measurements) shall be submitted to the LPA within one month of receiving the initial written contact from the LPA. If the noise limits set out in the noise report have been breached, the operator of the café bar shall agree with the LPA the steps to be taken to implement the measures in the report to mitigate the breach and to carry out the agreed measures as soon as reasonable or to report back to the Council within 3 months from the date of agreement of the measures to be taken if they cannot be implemented. The scheme as implemented shall be retained thereafter in perpetuity.

Reason: In the interests of neighbouring residential amenities.

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

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 residential 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 to 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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None