

REFERENCE: P/22/211/FUL

APPLICANT: Bara Foods c/o Simply Planning, 214 Creative Quarter, 8a Morgan Arcade, Cardiff CF10 1AF

LOCATION: **Bryant Centre, Commercial Street, Nantymoel CF32 7RA**

PROPOSAL: Retrospective planning permission for the change of use of the building from a nursery (Use Class D1) to A3 use including the erection of a kitchen, siting of a food van and a seating area to the rear of the property.

RECEIVED: 24 March 2022

DESCRIPTION OF PROPOSED DEVELOPMENT

Simply Planning Limited have submitted this retrospective application on behalf of Bara Foods, seeking permission to change the use of the Bryant Centre, a community building on Commercial Street, Nantymoel, to an A3 use for the sale of food and drink for consumption on the premises with take-away facility.



Photos of Bryant Centre – April 2020

The use will operate from the main Bryant Centre building and an area of ground to the rear that was enclosed as part of a previous use. The submitted floor plans indicate that a kitchen, servery, WCs, seating and collection area will occupy the main building, from which an outdoor seating for 18 patrons will be accessed. The remaining external space is occupied by an outdoor kitchen area, BBQ and van from which pizzas will be prepared and sold. It should be noted that whilst the fixtures and fittings have already been installed for the intended use, it has not yet commenced.

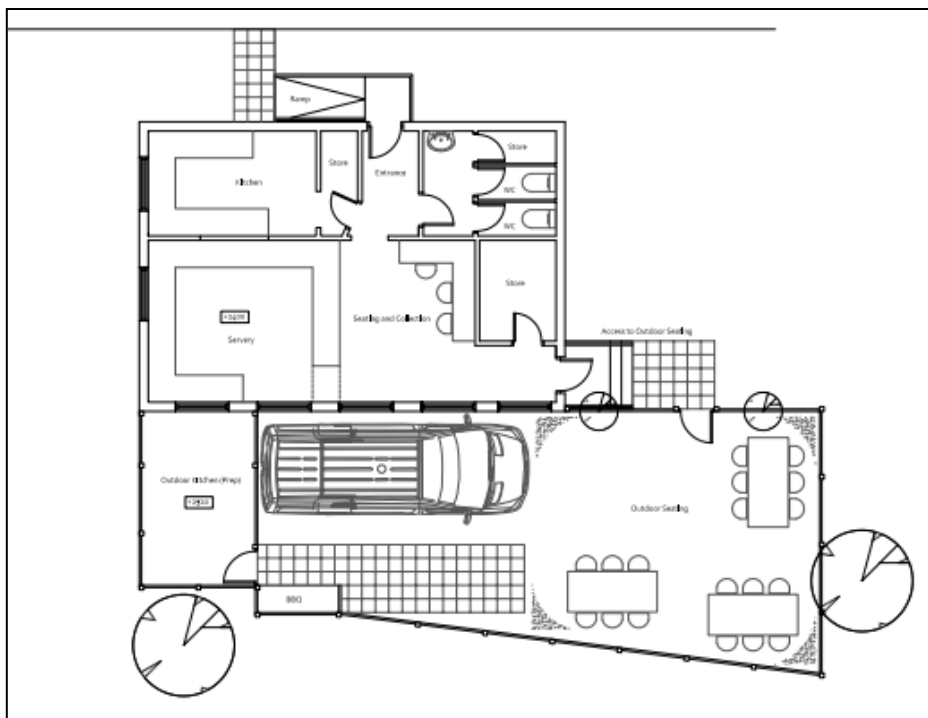


Figure 1 Extract of Floor Plan of Proposed Use

Additional information has been provided through the processing of the application confirming that the operating hours of the business will be from 12pm to 10pm, Monday to Sunday. The outside area would only be available to use between 12pm and 8pm and only available for customers who wish to eat after the purchase of food from the Pizza Van.

The Bryant Centre was erected in the 1970s on the site of the former goods station at the northern end of Commercial Street. The building now sits within an informal green space, close to the River Ogmoe and Ogmoe Valley Community Route. The area is now predominantly residential in character with the decline of commercial and retail uses within Nantymoel over recent years. An existing restaurant operated by the applicant and convenience store do however lie to the south of the application site.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
74/0122	Nursery	Conditional Consent.	4 July 1974

No other consents have been issued on this site although it has been suggested by the applicant's agent that the building has been used as a centre for OAPs and some retail uses.

CONSULTATION RESPONSES

CONSULTEE

**Cllr Mary Hughes
(Former Local Member)**

COMMENTS

Request that the application is referred to Committee for determination. My Planning questions include:

- Is this building in a Commercial Area?
- The application says "community use" unused for some time but was last used for the sale of fruit and veg

- Opening hours, construction of a kitchen.

Community Council Councillors have requested that consideration is given to the fact that there is a hot food outlet less than 50yds away (Ruchi) and that the area does not become strewn with rubbish. Are there adequate waste disposal methods going to be in place and is there a waste disposal policy?

Transportation Officer (Highways) No objection.

Shared Regulatory Services Request that the following conditions are attached to any consent:

Public Protection: Noise

- No charcoal fuel cooking facilities to be used.
- The operating hours for the business will be from 12pm-10pm.
- The outside area would only be available to use from 12pm-8pm. The area will only be available for customers who wish to eat after the purchase of food from the Pizza Van. Table service will not be offered, and the area will not be operating as a café or take any bookings. The outdoor sitting area will be closed after 8pm. The takeaway and delivery service will be available until 9pm and the business will be closed by 10pm.
- The proposed mobile van in the application shall be powered by mains electric (so that no generator is in use).

Natural Resources Wales We have no objection to the proposed development as submitted but have provided advice on flood risk.

PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. The applicant's agent amended the description of development to more accurately reflect the proposed use and letters of re-notification have been sent to residents and the Community Council. The period allowed for response to consultations/publicity expires on 11 July 2022. In response to the consultation undertaken letters of objection have been received thus far from the occupiers of the following properties:

- 1 Glanavon Terrace
- 11 Station Road

The following is a summary of the objections received:

- Question the validity of the application form and the accuracy of the information provided - Bara Foods did not supply any information about the proposed hours of opening of either the indoor A1 Use Class ice cream parlour and shops or the outdoor A3 Use Class Bara Pizza & BBQ. Bara Foods' website has advertised that the huge menu of hot food offered by Bara Pizza & BBQ in Nantymoel will be available until 11pm.
- There is no night-time economy in this part of Nantymoel and such a development would be better in the commercial district centre of the village. Bara Pizza & BBQ would undoubtedly be to the detriment of community safety because it may well create a focal point for anti-social behaviour.
- The lighting is light pollution in a peaceful semi-rural riverside area
- Potential noise that could be generated from the combination of sounds emanating

from the use affecting the living conditions of existing residents – loud music, customers congregating outside, vehicle noises etc. - the worst time for the inevitable noise nuisance will be during daylight hours when local people are able to enjoy the sounds of nature in their own gardens and in the local open public space.

- Concern about the nature of the use which will be A3 and not A1 – a huge range of food will be prepared and sold from the premises.
- There will be a significant intrusive odour from open air cooking for up to 11 hours a day hanging around an area of beautiful riverside public open space at the bottom of an extremely narrow valley. Wood smoke contains 16 kinds of particulate polycyclic aromatic hydrocarbons (PAHs) which have long been known to have carcinogenic effects.
- The concept of the Bryant Centre building would be converted to an “ice cream parlour” is a public relations exercise to make the change of use of the building more palatable to opponents of the development - the floor plan does not contain any reference to an ice cream parlour.
- The development will result in the loss of public open space and a public building which was dedicated to the community - the Bryant Centre should remain in D1 Community Use.
- No information regarding waste storage and collection - the lack of adequate storage space leads to the unsightly presence of wheeled bin containers permanently sited outside the premises and even on the highway - trade waste and recyclable materials should not be stored on the grass surrounding the Bryant Centre - this will both look unsightly and will over time damage the grass as the bins are wheeled over it to reach the road.
- To prepare Food and Keep premises Clean for Selling and Serving food there will be Hazardous Substances which should be used and Stored under Strict COSH regulations but again the Box is ticked for no. So how do they intend to keep to the Food Standard Agency regulations
- Proposed use will generate litter - a huge increase in the amount of litter dumped all around the open public space, on the riverbank and in the river itself – this will inevitably lead to potential increased rat infestation
- The change of use of The Bryant Centre to Bara Pizza & BBQ will contribute to a concentrated cluster of takeaway food outlets and in no way contributes to diversification of the small parade of shops in Commercial Street or to diversification in the village of Nantymoel as a whole.
- Ownership Certificate - Bridgend County Borough Council is the owner of all the land - has Bara Foods served Notice on Bridgend County Borough Council, appropriate Notice? The Planning Agent does not identify a named “owner” of the Bryant Centre but only identifies that they use the contact address.
- With reference to Bridgend County Borough Council’s Hot Food Premises Policy (SPG 14) - the proposed development at the Bryant Centre site appears to be both a take-away and a café. The SPG states that any new “hot food takeaway establishments” should be developed “in a Town or District Centre”. Outside defined town and district centres giving Planning permission for hot food takeaways therefore should be dependent on demonstrating that: “an unfulfilled local need exists for the development in the neighbourhood”. There are existing facilities. The SPG considers noise and disturbance, smells and discharge of fumes from cooking and heating equipment, storage and disposal of waste products and litter, parking, servicing and highway safety, light pollution and an increase in antisocial behaviour or crime. None of these issues have been satisfactorily addressed by the application.
- There is a lack of parking immediately outside this premises being one small ‘Lay-By’, which may accommodate 2 vehicles – this is deficient. Parking on the ‘Public Highway’ is permitted there but this is on an already congested road which is also a Busy Bus Route between a ‘Brow of a Hill and a Bend in the Road’ making it difficult and

dangerous to see any distance ahead let alone reverse a bus should the road become too congested.

A letter of support has been received from the occupiers of 9 Station Road, Nantymoel

The owners of Ruchi Tandoori Takeaway have no objections to the development.

Any additional comments that are received in respect of the re-consultation will be brought to Member's attention on the Amendment Sheet.

COMMENTS ON REPRESENTATIONS RECEIVED

Concerns made around compliance with Policy, impacts on amenity and highway safety will be considered in detail in the appraisal section of this report. The following comments are offered in response to the other issues raised:

- Inaccuracies in the original planning submission have been corrected and the description of development changed.
- The only lighting associated with the use would appear to be around the outside seating area. It appears to be low level and unlikely to be obtrusive.
- No details have been provided in respect of the storage and collection of waste. Such details could be the subject of a scheme to be submitted in response to a planning condition should the Council be minded to approve this application.
- Permitting this use would add to the existing small number of commercial uses within this part of Nantymoel. At this scale, it does not represent an unacceptable concentration of takeaway uses that would conflict with the retaining Policies of the development plan. Impacts on amenity will be considered later in the report.

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
Policy SP3 Strategic Transport Planning Principles
Policy PLA11 Parking Standards Policy
Policy ENV7 Natural Resource Protection and Public Health
Policy SP10 Retail and Commercial Hierarchy Supplementary
Policy SP13 Social and Community Facilities
Policy COM7 Protection of Social and Community Facilities
Policy SP14 Infrastructure

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 into 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

Based on the comments received from the Local Member (at the time the application was submitted) and the objections received from residents, this application has been referred to the Development Control Committee for determination. Having considered the application plans and documents, the relevant national and local policy and the comments and observations received, the main issues to consider in the determination of this application are:

1. Whether the principle of introducing an A3 use in this location (outside an established commercial centre) with the associated loss of a social and community facility is acceptable
2. Would the use have an unacceptable impact on the living conditions of residents through excessive noise, odours, and litter and could any impacts be minimised through appropriately worded planning conditions
3. Would the use have any impacts on the users of the public highway and highway safety

Whether the principle of introducing an A3 use in this location, (outside an established commercial centre) with the associated loss of a social and community facility is acceptable

The site is located within the local settlement of Nantymoel as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. Local service settlements have a narrower range of services than main settlements, but they act as focal points for the surrounding locality for retail and community facility provision. Historically, the area to the south of the application site was

defined as a commercial area but with the closure of many of the retail units over the last 20 years and their change to residential uses, such a designation does not currently exist in the current Development Plan. Nevertheless, Policy PLA1 does broadly support development of an appropriate scale that is commensurate with the role and function of the settlement. Development in the terms of the Policy would include both residential and commercial uses.

The application site lies entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and Flood Zone 3 Rivers as identified in the Flood Map for Planning. On the basis that the proposal is for the change of use to a less vulnerable development (Use Class A3) and that the scale and nature of the development is limited, Natural Resources Wales (NRW) has no objection to the application. It will however be necessary for the developer to made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. On the basis that such works would be internal, notes could be attached to any permission granted advising of NRW's requirements.

As set out in the introduction to this report and planning history, the Bryant Centre was developed in the 1970s with its intended use as a nursery being to serve the local community. Whilst various uses may have occupied the building since, none have been the subject of a planning permission. On the evidence before the Local Planning Authority, the lawful use would therefore be a nursery which falls within Class D1 – Non-residential Institutions. Other uses within this Class include clinics, health centres, crèches, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non-residential education and training centres. It would appear that any of those uses could be introduced to the Bryant Centre without the need for planning permission. Almost all of the aforementioned uses would serve the wider community and are important to the health and well-being of the community. Policy SP13 of the LDP seeks to retain or enhance such facilities to ensure no section of the community is excluded from having access to basic services with the overall aim of creating sustainable and inclusive communities. Policy COM7 goes further and aims to protect all existing social and community facilities that provide a valuable role in their communities against development which would result in their loss and have an adverse impact on the community within which they are intended to serve. The Policy states:

Proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one of the following grounds:

- 1. A suitable alternative location is available, and a facility of equivalent community benefit is provided by the developer on or off the site; or*
- 2. In the view of the local planning authority the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area.*

The statement submitted in support of the application by the applicant's Planning Consultant considers the Policy and suggests that the most recent use of the property was as a nursery but this was ended when an alternative and more appropriate nursery site was identified at Isfryn Industrial Estate (a new Welsh Medium Childcare Facility has been consented on land adjacent to Isfryn Industrial Estate – P/20/307/BCB refers). It is suggested that the building in Nantymoel is no longer required for the use with the need being met by the alternative facility. It should be noted that whilst works have commenced on the development on Isfryn Industrial Estate, the new nursery building has not been completed. The consultant has also referenced the former use of the building as an OAP Centre but indicates that it was unable to sustain the use because of difficulties with

access and a lack of insulation.

Reference has also been made to the Ogmore Valley Strategy and Action Plan 2022-2027 (OVSAP) which considers the quality of community facilities within Ogmore Valley. The report appears to talk in general terms rather than anything specific to the application site. The report which was commissioned by Bridgend Reach in June 2020 to help develop a five-year strategy and 'SMART' Action Plan for Ogmore Valley Community Council describes the facilities as 'patchy' and often 'unfit for purpose and poorly equipped'. The consultant claims that the building is not designed for community use and would be considered as 'unfit for purpose and poorly equipped'. Reference to the survey work undertaken as part of the commission has been made and to the answers given to the questions as to how the public rate the services and facilities currently being provided for people and communities living in the Ogmore Valley area and how they could be improved? One respondent noted that there were too many small single-purpose facilities. Renovation and repairs to such facilities can be costly and unsustainable.

Based on the above, the applicant's agent has concluded that a facility of equivalent community benefit has already been provided (Isfryn Industrial Estate, Blackmill) and that the existing facility is no longer required for the current use or any other social and community uses due to its unsuitability for these purposes. The OVSAP report also indicates that there are already sufficient community facilities within Ogmore Valley and that larger and more fit for purpose buildings are instead what is required. As such, the loss of the community facility would not conflict with the relevant local policy.

The applicant's claim that an alternative 'nursery' facility has been provided in an alternative location is somewhat premature on the basis that the building has not been constructed. Consent has however been secured although there was no indication the planning submission that the Welsh Medium Childcare Facility in Blackmill that it was replacing the use in the Bryant Centre. It will nevertheless provide a community building that will be principally used for childcare, but potentially other community uses. Its location was also chosen due to its relatively central location in the Ogmore Valley.

Although no building surveys have been submitted with the application, the applicant's claim that the building is unfit for community use would appear to have some merit. From the photos and plans, the building has a temporary appearance albeit, it has occupied the site for nearly 50 years. Any insulation is unlikely to be up to the standards of a modern building such as that being erected in Blackmill. Whether it could still provide an acceptable level of accommodation for certain community uses must be questionable.

Objectors have rightly highlighted the loss of this community facility but have not provided any evidence to suggest that that demand for community uses is not already been met by existing buildings. Furthermore, it is understood that the building has been vacant for a number of years. Representation has been received around the issue of land ownership and whether the owner of the building has the right to pass on this community facility. It appears that the Bryant Centre may be managed by a Trust and on land that is owned by the Council. The correct Notices have accompanied the application and the issues of control are not material to any planning decision.

Based on the evidence provided by the applicants, it would appear that there is no longer a need for a nursery in this location and any need for such a building is already met by the existing and new facilities. On balance, it is considered that the existing community facility is no longer required for the current use and in principle, the development is considered acceptable.

Would the use have an unacceptable impact on the living conditions of residents

through excessive noise, odours, and litter and could any impacts be minimised through appropriately worded Planning conditions

Perhaps the key 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. National Policy recognises that activities associated with some retail and commercial uses are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic. Where new uses incorporating evening and night-time activities are located near to existing residential accommodation, applicants should include appropriate mitigation measures to counter potential impacts to amenity. Clean air and an appropriate soundscape contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. The agent of change principle which is enshrined in Planning Policy Wales confirms that a business responsible for introducing a change is responsible for managing that change.

At a local policy level, 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 are not adversely affected by development proposals.

In response to the numerous applications that the Council historically received in respect of uses falling within Class A3 and specifically hot food takeaways, it published supplementary Planning guidance in 2007. Although produced in support of Policies in the Bridgend Unitary Development Plan (2005), its content is still relevant for the consideration of a current application. It recognises the contribution that such uses make to the vitality of a local centre but this must not be to the detriment of community safety and the living conditions of residents. In paragraph 3.2 it is noted that it was not uncommon for such applications to be submitted for uses in buildings outside of the defined town and district centres of the County Borough such as this. Such applications would have to be closely scrutinised to ensure that:

- an unfulfilled local need exists for the development in the neighbourhood; and
- residential amenity and community safety are not compromised.

SPG: 14 recognises that the primary concern of nearby residents in relation to Hot Food Takeaway Establishments is their effect on amenity of existing properties and community safety. This can be for a variety of reasons:

- Noise and disturbance from patrons of takeaways congregating outside establishments and noise from vehicles pulling-up outside premises with car doors opening and closing and car radios
- Smells and discharge of fumes from cooking and heating equipment
- Storage and disposal of waste products and litter
- Parking, servicing and highway safety
- Light pollution from inside premises and externally illuminated signage
- Increase of, or a perception of an increase in, antisocial behaviour or crime
- Delaying the emptying of town centres after pubs and clubs close

A number of those matters listed above have been offered as objections to this application.

As with all applications, they are judged on their merits having regard to the relevant Planning Policies and all other material considerations. Very often with this type of use their location is critical having regard to the proximity to residential properties. Commercial

Street is now predominantly residential in character (despite its name) with only a few commercial uses remaining including the public house, convenience shop and takeaway facility, all within some 100m of the application site. The nearest residential properties are on the elevated section of Station Road, some 30m from the Bryant Centre building.

The SPG considers specific locational scenarios where takeaway/restaurant uses may come forward. In an area which is completely residential in character, such uses would be unlikely to be acceptable on the basis the impact on the living conditions of residents would be too significant and in a manner that could not be controlled by conditions, (Category 1 Area). Objectors claim that the area is almost exclusively residential and have even suggested it has a semi-rural character in the sense that noise levels are relatively low however, as indicated above, some commercial uses do lie close to the application site and based on information online would appear to operate until late evening: Londis Store 22:00 hours all week apart from Sundays and Ruchi (Takeaway and Delivery Service) operating until 22:30 most nights apart from 23:00 hours on a Friday and Saturday night.

Although it is acknowledged that the number of commercial units is limited, they do exist along with the public house on Commercial Street. The context for this application is therefore more accurately described as a small retail area in an otherwise residential area, (Category 2 Area). Note 2 of the guidance suggests that any permission granted for a Hot Food Takeaway in this location should be conditioned such that it shall not be open to customers later than midnight.

Officers from the Neighbourhood Services Section of Shared Regulatory Services have visited site and noted its proximity to existing residential properties and have requested that any consent be conditioned such that the overall business will only operate between 12:00 hours and 22:00 hours with the outside seating area only to be used by persons purchasing food and only open between 12:00 hours and 20:00 hours. In addition, the takeaway and delivery service will only be able to operate until 21:00 hours.

These recommendations propose greater restrictions on the use than advised in the Supplementary Planning Guidance. It must therefore be questioned whether such limitations would be reasonable if challenged and enforceable from the Council's perspective. On the matter of reasonableness, there is a case to argue that such restrictions are justified given the close proximity of existing housing and particularly the potential for the outside seating area to create a degree of noise and disturbance where general background noise levels are relatively low. Importantly, the applicant through his agent has indicated a willingness to work within the limitations of the conditions. Enforceability is in many ways a matter for the Council and whilst any breaches would have to be evidenced by Officers, enforcement powers do exist to address such matters. Considering the living conditions of residents with regard to noise, it is considered that the controls over the use and hours of operations should offer sufficient safeguards.

Odours from the preparation and cooking of food and discarded waste and litter which are often the byproducts of such uses have also been highlighted by objectors but here again, controls can be introduced through the imposition of a condition that requires the agreement of an extraction scheme. Officers in Shared Regulatory Services were specific that no cooking with charcoal would be permitted on site. The applicants have agreed to omit the outside barbecue area. Married with the limitations on the hours of operation, these controls should ensure that air quality in the locale will not be significantly affected by the development. Members should be aware that other legislation outside of the Planning Act provides environmental protection.

No information has been provided as to how waste and litter will be managed as part of

the use. Refuse associated with the former and proposed use is likely to be stored within the yard at the rear and collected from the front of the building on Commercial Street. Whilst a takeaway use is likely to generate more waste, the arrangements for collection are unlikely to have any significant effect on the living conditions of residents. The propensity of takeaway uses to generate litter is a contentious planning objection and whilst it may be a material planning consideration, it is also controllable by other legislation. The nature of the proposed use (takeaways and deliveries) and the type of food that will be sold suggests that excessive litter should not be generated by the use however, litter coming from the outside seating area over the amenity areas adjacent to the Community Route cannot be discounted. A condition that requires the submission and agreement of a waste collection and litter management plan should address this specific aspect of amenity.

The visual impact of the works to the rear of the Bryant Centre must also be assessed with regard to the nearest residents and the general amenities of the area. Those properties in an elevated location to the east of the site will view parts of the extension and the van although the existing building provides a degree of screening as do the trees alongside the River Ogmore for properties to the west. The outside seating area, extension and van will however be seen by users of the community route but again the harm to the amenities of the users of this route would be minimal and would not represent a conflict with Policy.

Would the use have any impacts on the users of the public highway and 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 Planning Policy Wales 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.

In the supporting planning statement, the applicant has suggested that the application site is in a sustainable location in near proximity to residential areas and frequent bus services (approximately 2 an hour) can be accessed from a nearby bus stop. Attention has been drawn to the 12 parking spaces available on the nearby public car park located to the rear of 1C-2B Commercial Street which the applicant proposes would make adequate provision for the development.

The Principal Officer Highways Development Control has noted that the current consented use of the Bryant Centre is a Children's Day Nursery (D1 use). The proposal for a change of use to Class A3 (takeaway) is not considered to significantly change the peak traffic generation albeit it may take place during different times of the day. Given the layby fronting the site and the adjacent public car park, the proposal does not generate any highway concerns.

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

This application is being recommended for approval on the basis that the principle of introducing an A3 use of this type and scale outside the existing commercial areas would not adversely affect the vitality, viability and attractiveness of the Nantymoel Local Service Centre. Furthermore, given the buildings lack of use and other facilities being available, its loss to a commercial use should not be to the detriment of the wellbeing of the residents in

Nantymoel.

The potential for the use to impact on the living conditions is a possibility so in addition to the conditions that will control the use and hours of operation, it is proposed that a temporary consent is given for two years to allow the noise and odour impacts to be assessed. All other considerations material to the determination of this application such as highway safety and site drainage are satisfactorily addressed by the submission.

On balance, the application is recommended for approval subject to the imposition of the following conditions.

RECOMMENDATION

(R11) That temporary permission be GRANTED subject to the following condition(s):-

1. The permission and use hereby granted shall be for a period of two years from the date of this decision. The A3 use shall cease on or before the 15th July 2024 and the building shall be restored to its former condition. Any chattels or paraphernalia associated with the A3 use shall be removed from the land in their entirety and the land shall be restored to its former condition.

Reason: The development is only acceptable on a temporary basis to enable the Local Planning Authority to assess the impact of the use on the living conditions of residents and highway safety.

2. The development shall be carried out in accordance with the following drawings:
 - Site Location Plan Drawing Ref: 1101
 - Ground Floor Plan Drawing Ref: 1201
 - East and West Elevation Drawing Ref: 1301
 - North and South Elevation Drawing Ref: 1302

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

3. The premises shall be used as a takeaway with outside seating area and for the delivery of food only 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.

Reason: In the interests of residential amenities.

4. The use hereby permitted shall not be open to customers outside the following times - 12:00 hours to 22:00 hours seven days a week

The outside seating area shall not be open to customers outside the following times - 12:00 hours to 20:00 hours seven days a week

The delivery service will not be able to operate outside the following times - 12:00 hours to 21:00 hours seven days a week

Reason: In the interests of residential amenities

5. Prior to the beneficial use of the premises commencing, a scheme shall be submitted to and agreed in writing by the Local Planning Authority detailing the following:-

- the extraction system to be installed, including its siting, design, appearance, odour abatement and sound power/pressure levels generated by the external unit;
- a vertical section plan indicating the position and height of final openings;
- details of an odour management plan.

The equipment to control the emission of fumes, smell and noise from the premises shall be installed in accordance with the agreed scheme prior to the beneficial occupation of the premises and shall thereafter be operated and maintained in accordance with the agreed scheme for as long as the use continues.

Reason: In the interests of safeguarding the amenities of the area

6. Prior to the beneficial use of the premises commencing, a waste and litter management strategy shall be submitted to and agreed with the Local Planning Authority to demonstrate how waste and litter arising from the building will be managed and controlled. The waste management strategy will require that all waste shall be collected between the hours of 07.00 and 20.00 Monday to Friday and at no times on the weekend or Bank Holidays. The waste and litter management strategy shall be implemented in accordance with the submitted details and be retained and maintained in perpetuity.

Reason: In the interests of safeguarding the amenities of local residents.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None