

## RECOMMENDATION : TEMPORARY GRANT

**REFERENCE:** P/16/130/FUL  
**APPLICANT:** H D LTD  
8 MERTHYR MAWR ROAD BRIDGEND UNITED KINGDOM

**LOCATION:** 32 NOLTON STREET BRIDGEND

**PROPOSAL:** DEMOLITION OF EXISTING OFFICE / WC & CONSTRUCT NEW TAXI OFFICE

**RECEIVED:** 16th February 2016

**SITE INSPECTED:** 8th March 2016

### APPLICATION/SITE DESCRIPTION

The application proposes the construction of a new taxi office at the recently created car park at Nolton Street on the site of the former Boards Garage. The proposed new taxi office will be located adjacent to the rear elevation of 34 Nolton Street and will follow the south western car park boundary.

The proposed taxi office will have an overall length of 14m and vary in width but reaching 4.75m at its widest. The structure will be flat roofed and single storey reaching 3.3m in height. The building will accommodate a waiting area for customers, control room with rest room facility, WC and manager's office with an external refuse store attached to the side. A canopy over the entrance to the waiting area will project 0.85m from the building and another canopy will wrap around the manager's office. The submitted plans also indicate that a panel in contrasting material will be sited between the window and doorway serving the control room and the canopy around the manager's office and this will project 0.7m above the flat roof. The plans show lettering affixed to this panel, which identify the taxi use of the building.

The Design and Access Statement, which accompanies the submission states that the exterior of the building will be finished in Petersen grey multi-brickwork with the contrasting panel clad with timber. Windows and doors will be powder coated aluminium in dark grey.

### RELEVANT HISTORY

**P/02/1157/RLX** APPROVED 02-01-2003  
+conditions  
RELAX CONDITION TO ALLOW FURTHER 3 YEARS FOR SUBMISSION OF RESERVED MATTERS (RETAIL DEVT)

**P/05/1360/RLX** APPROVED 17-11-2005  
+conditions  
DEVELOPMENT OF SITE FOR A1 RETAIL PURPOSES - RELAX CONDITION TO ALLOW FURTHER 3 YEARS FOR SUBMISSION OF RESERVED MATTERS

**P/08/1099/RLX** APPROVED 29-01-2009  
+conditions  
RELAX TIME CONDITION OF 05/1360 TO ALLOW FURTHER 3 YEARS FOR SUBMISSION OF RES MATTERS



**P/14/486/FUL** APPROVED 04-12-2014  
temporarily  
DEMOLISH BUILDINGS AND CHANGE USE FROM CAR DEALERSHIP, MOT SERVICE &  
REPAIRS GARAGE TO TEMPORARY CAR PARK

**P/14/487/DPN** WITHDRAWN 02-12-2014  
DEMOLISH EXISTING BUILDING

**P/15/186/FUL** APPROVED 09-06-2015  
temporarily  
CHANGE USE OF OFFICE TO TAXI BOOKING OFFICE

**P/99/755/OUT** APPROVED 02-11-1999  
+conditions  
REDEVELOPMENT OF SITE FOR A1 RETAIL PURPOSES

#### **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23rd March, 2016.

#### **NEGOTIATIONS**

The applicant's agent was contacted to clarify the use of the waiting area, the operation of the business including opening hours. Additional information has been submitted and the content included in the description of the development.

Following a request to the applicant's agent to clarify a number of issues, it has been confirmed that the waiting area will be solely for the use of customers. The operator intends to employ one full time manager and three part time radio/reception staff working on a shift basis. All drivers will be self employed and not based at the site. Additional plans have been provided to confirm that two taxi customer collection bays will be located to the side of the refuse store and manager's officer with two further staff parking spaces alongside these bays. The applicant's agent has highlighted that the majority of the company's taxi drivers will not be required to visit the property to collect customers but will rather be based around the County Borough. The taxi office is to be staffed by a radio operator 24 hours a day on a shift basis. It is intended that the customer waiting facility will only be available from 8.30am until 01:00 hours every day.

#### **CONSULTATION RESPONSES**

##### **Town/Community Council Observations**

Notified on 24th February 2016

Object due to the high increase in traffic movements by taxis exiting onto Nolton Street after collecting passengers from the taxi office. Possible impediment to pedestrians using Nolton Street.

##### **Head Of Street Scene (Highways)**

No objection subject to condition.

## **Head Of Street Scene (Drainage)**

No objection but recommend the developer contacts Dwr Cymru/Welsh Water to confirm acceptability of the connection into the public sewerage system.

## **REPRESENTATIONS RECEIVED**

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The Town Council has objected on the grounds that the proposed development will result in a high increase in traffic movements to and from Nolton Street, which will possibly impede pedestrians.

The proposed development is located within a car park approved on a temporary basis until 2019 under reference P/14/486/FUL. The approved layout included an area which suggests a pedestrian refuge along the flank wall of 34 Nolton Street within the car park itself. The earlier consent also included conditions requiring the widened access onto Nolton Street to be demarcated with 3m radius kerbing and a scheme of road marking on Nolton Street to ensure the access is kept clear. Whilst these works have yet to be undertaken, an application to discharge is expected. It is considered that these measures will assist pedestrians using this section of Nolton Street to realise the extent of the vehicular access to the car park. It is also highlighted that the principle of changing the use of the existing vacant offices into a taxi booking office has been granted under reference P/15/186/FUL. Given the previous use of the site as a garage, the approved car parking use and use of the existing building as a taxi office and, in light of the clarification of the proposed operation of the taxi business, it is considered that the proposed development will not so significantly impact on pedestrians as to warrant refusal.

## **APPRAISAL**

The application is referred to Committee to consider the objection raised by the Bridgend Town Council.

The application seeks consent for the demolition of the existing vacant office building at the rear of 34 Nolton Street to allow for the construction of a new purpose built single storey taxi booking office. The application site abuts the former Boards Garage Site, which has been demolished and temporary planning permission has been granted for a car park on the site. The application site and wider car parking, referred to above, is located on the western side of Nolton Street and on the southern side of the junction with The Rhiw, Bridgend.

The site lies within the Town Centre where Strategic Policy SP10 of the Bridgend Local Development Plan (LDP) requires new retail, office, other commercial leisure and appropriate employment developments to be focused. All new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor. New retail, office, other commercial and leisure developments should be of a scale appropriate to the centre within which they are located and contribute to or sustain the vitality and attractiveness of that centre within the local retail hierarchy. As indicated earlier in this report planning permission for the change of use of the existing building to a taxi booking office was approved in 2015 (P/15/186/FUL refers). When processing that submission it was considered that the proposed taxi booking office would provide a complimentary facility to both the proposed car park and the retail centre, be modest in scale, set back from the shopping frontage and would not adversely impact on the vitality and attractiveness of the Town Centre. Whilst the current application seeks to remove that existing building to allow for the construction of a purpose built single storey taxi booking office, it is considered that the principle of the taxi office on this site has already been accepted.

Policy SP2 of the LDP requires that all development should contribute to creating high quality attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria against which development proposals should be assessed. It is considered that criteria 1, 2, 3, 6, 12 & 13 would be relevant to this proposal for a new build taxi booking office. In terms of its siting, design and external finishes, it is considered that the proposed building is of an appropriate scale and appearance that respects the local character of the area and is therefore compatible with criteria 1, 2 & 3. For the reasons outlined above, it is considered that the proposed development meets the requirements of criteria 6 & 12 in that it allows for efficient access and does not adversely impact on the viability and amenity of neighbouring occupiers. The proposed development will connect to an existing main sewer and therefore appropriate arrangements for disposal of drainage will be provided to satisfy criterion 13.

The application site abuts the Merthyr-mawr Road Conservation Area and Policy SP5 of the LDP requires development proposals to conserve, preserve or enhance the built and historic environment of the County Borough and its setting. In particular, proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact on heritage assets including Conservation Areas and their settings. Given the building is modest in scale and will be orientated to face into the existing car park, it is considered that it will not have an adverse impact on the adjoining Conservation Area and therefore is compatible with the above mentioned policy and Policy ENV8, which requires development to respect heritage assets in order to preserve, conserve or enhance local distinctiveness. In addition, the development does not, it is considered, compromise the adjoining regeneration site, which comprises the Rhiw Multi-Storey Car Park and the land adjoining the River Ogmore and is therefore considered to be compatible with Policies SP4, SP5 and REG9(2) of the Local Development Plan.

Adjoining the southern application site boundary, there are a number of mature trees. Section 40 of the Natural Environment and Rural Communities Act 2006 states that "every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the application site and the proposed development on a previously developed site, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies."

Section 3 of the Wellbeing of Future Generations (Wales) 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 wellbeing goals/objectives as a result of the proposed development.

Whilst determining this application Policies SP10, REG9, SP2, SP3 & SP5 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

The application is recommended for approval because the development complies with Council policy and does not adversely affect highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

## **RECOMMENDATION**

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: plan numbers AL (00)01B Rev A, AL(01)03 Rev A, AL(01)04.

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

- 2 The use of the building, hereby permitted, shall be discontinued on or before 31st December, 2019.

Reason : To enable the Local Planning Authority to assess the impact the development has on the sustainability and the amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent given that the adjoining car park use is also temporary in nature.

- 3 The taxi parking and staff parking spaces shall be completed in permanent materials with the individual spaces clearly outlined and demarcated in yellow thermoplastic lining with the appropriate text Taxi and Staff applied within the spaces in accordance with the approved

plan prior to the development being brought into beneficial use. The spaces shall thereafter be retained for so long as the taxi booking office operates from the premises.

Reason : In the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application is recommended for approval because the development complies with Council policy and does not adversely affect highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

(b) The developer is advised to contact Dwr Cymru/Welsh Water to confirm acceptability of connection to the existing public sewerage system.

(c) No surface water is allowed to discharge to the public highway.

(d) No land drainage run off will be permitted to discharge either directly or indirectly into the public sewerage system.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None