

Application No	S/35962
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Application Type	Full Planning
Proposal & Location	RETENTION OF GROUND FLOOR AS A DAYTIME CAFÉ BAR, WITH USE OF REAR GROUND AND FIRST FLOORS AS A NIGHTCLUB DURING EVENING HOURS, TOGETHER WITH ADDITION OF A REAR FIRE ESCAPE STAIRWELL AT 56 STEPNEY STREET, LLANELLI, SA15 3TG

Applicant(s)	MR J M WILLIAMS, 56 STEPNEY STREET, LLANELLI, SA15 3TG
Agent	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, LLANELLI, SA14 6RE
Case Officer	Robert Davies
Ward	Elli
Date of validation	15/08/2017

CONSULTATIONS

Head of Public Protection and Housing – No objection subject to conditions in relation to noise.

Llanelli Town Council – No response received to date.

Local Member – County Councillor J P Jenkins has objected to the application on the following grounds:-

- The proposals will detract from the vibrancy and vitality of Llanelli Town Centre. The ground floor café does not justify the addition of a nightclub in the evening hours. To combine both uses in one application is a way to detract from the wholly unacceptable element, namely the nightclub.
- There is no way of ensuring or conditioning that the café element does trade thus bringing no benefit to Llanelli Town Centre but the nightclub does operate with all the negative problems and detractions associated with such a use.
- A cafe and nightclub in a primary retail frontage would be detrimental to the retail character of Llanelli Town Centre.

- The proposals which would operate late at night will undermine the Opportunity Street scheme being developed by Carmarthenshire County Council which seeks to introduce residential apartments above ground floor retail units in Stepney Street. The proposed use would also adversely affect existing residents in the former Pugh's Building in Cowell Street.
- There are an abundance of existing former nightclub and licensed properties in the Llanelli area, therefore there are other existing properties available.

Dyfed Powys Police – Have drawn reference to the Opportunity Street scheme by Carmarthenshire County Council to introduce joint commercial and residential properties in Stepney Street and question how this proposal would fit in with that vision.

As part of the licensing process, Dyfed Powys Police will be asking for glazing to be changed from existing to toughened where relevant; the rear area to be fenced and made secure with a quick release gate door for those using the fire escape; and a cctv system to be fitted.

Neighbours/Public – Six neighbouring properties consulted. The application was also advertised by virtue of both site and press notices due to the adjoining arcade being Grade II listed. To date, six letters of representation have been received raising the following objections:-

- The proposed development will adversely impact on all residential development in the vicinity.
- The proposal will jeopardise the County Council's own policy for the regeneration of the town centre and the Opportunity Street purchase of properties to develop, regenerate and bring people back to live in the town centre. No. 31 Stepney Street has recently been purchased.
- The property previously operated as Mayhem Bar and neighbouring properties suffered from the noise and anti-social behaviour. The new proposal to add a fire escape can only mean that they plan to extend this upstairs causing more noise and nuisance.
- The publicising of the application is questioned.

RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

S/03028	Restaurant/takeaway Full planning permission	17 May 2001
S/02283	Proposed replacement of shop front Full planning permission	07 February 2000
D5/13002	Fascia and projecting signs Approved	18 September 1990
D5/9041	C.O.U. to Building Society office Refused Appeal Allowed	27 March 1986 19 May 1987

D5/8939	C.O.U. to amusement centre Refused	23 January 1986
D5/8702	Proposed restaurant Approved	05 September 1985
D5/7251	Change of use and alterations to frontage to provide leisure centre Refusal	15 September 1983
D5/6657	Family leisure centre and coffee bar incorporating amusement machines Refused	28 October 1982

APPRAISAL

THE SITE

The application site consists of no. 56 Stepney Street in Llanelli town centre, which is a three storey mid terrace property adjoined by the job centre on one side and a listed arcade which houses a variety of commercial uses on the other. The ground floor of the application property used to be a fish and chip restaurant/takeaway but in recent times has operated as Mayhem Bar, and previous to that Kandi Bar. Both the latter uses mainly operated from Thursday through to Sunday nights only with associated discotheque, and benefitted from having late night alcohol and music licences. The whole property is currently vacant and not in use.

THE PROPOSAL

The application seeks full planning permission for the retention of the ground floor as a daytime café bar, with the use of the rear ground and first floors as a nightclub during evening hours, together with the addition of a rear fire escape stairwell to serve the first floor.

A covering letter submitted with the application states that the ground floor will continue to trade as an A3 use during normal daytime hours as a café bar serving light meals, hot and cold beverages, both alcoholic and non-alcoholic in nature. The letter states that the nightclub element will operate to the same opening times as licensed under the previous tenancy, namely to 00:30 hours Sundays to Thursdays, and 02:30 Fridays and Saturdays.

The floor plans submitted indicate that the basement will remain in storage use, whilst the top floor will be a manager's office and staff room.

In addition to drawings, a Noise Assessment Report was requested during the application process and subsequently submitted for consideration.

PLANNING POLICY

The application site is located within the defined settlement limits of Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014, and is in fact located within the defined secondary retail frontage area of Llanelli town centre.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land/property.

Policy SP13 of the LDP seeks to preserve or enhance the built and historic environment of the County including listed buildings and their setting.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, and does not have significant impact on the amenity of adjacent land uses, properties, residents or the community.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy RT3 of the LDP relates to the secondary retail frontage and states that proposals for non-retail uses (including the change of use and/or redevelopment of existing retail premises) will be permitted on ground floor frontages where they do not lead to an over concentration of non-retail properties; not undermine the retail function of the centre or have a detrimental effect upon the vitality or viability of the area; not create a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

THIRD PARTY REPRESENTATIONS

As aforementioned, representations have been received from both the local county councillor and members of the public objecting to the application. The material reasons for objection raised will now be addressed individually, however reference to alternative vacant nightclub premises is not material and the application must be determined on its own merits.

The main objection seems to relate to the nightclub use element of the proposal, which in the objectors opinion will result in anti-social related problems, whilst the use itself will detract from the vibrancy and vitality of the town centre and be detrimental to the retail character. In this respect the application property is located in a secondary retail frontage, whilst there is an existing extant A3 use at ground floor which will remain. The nightclub use will be located to the rear ground and first floor, and therefore it is considered that the proposal will not detract from the retail character of the town centre.

Whilst nightclubs are often stigmatised and associated with anti-social behaviour they do play a significant role in the night time economy, and as well as needing to obtain planning permission the use will also be subject to the Licensing Process with the Authority's Public Protection division. As aforementioned, the property has previously benefitted from a late night alcohol and music licence.

Whilst there is a general decline in the number of nightclubs the proposal does indicate a positive intent to invest significantly into a town centre property which is currently vacant, and the proposed use will create jobs.

In terms of the perceived impact on residential amenity from noise and disturbance, during the course of the planning application process the Local Planning Authority did request a Noise Impact Assessment from the applicant. This was subsequently received and has been assessed in detail by the Authority's Environmental Health Officer specialising in noise. The closest known residential properties are the flats located at the former Pugh's Building at Cowell Street which are approximately 50 metres away at their closest point.

The noise report states that the dominant source of noise arising from the proposed development is attributable to noise breakout from the single-glazed sash windows to the first floor, front elevation. Consequently, it is deemed appropriate to focus attention on reducing noise breakout via this medium.

As the first floor of 56 Stepney Street will benefit from an improved rear fire escape, the report states that emergency access/egress via these windows will not be a necessity and that they will not be required for the provision of natural light. It is therefore recommended that the first floor windows can be shuttered during the operational hours of the nightclub. It is proposed to install the shutters with a 100mm stand-off from the inside of the window pane and to construct them from 2 No. sheets of 10mm thick particle board on (separated by) 60mm studs, with fibreglass infill of 10kgm⁻³. Such a construction would achieve an Rw, when combined with the existing glazing, in the region of 42 dB.

This report has been considered by the Authority's Public Health Section who have responded raising no objection to the application subject to the imposition of conditions on any planning permission granted.

On the issue raised regarding the publicising of the planning application. The application has been publicised both by means of a site notice in the vicinity of the application site as well as in the local press, along with letters of notification sent to six neighbouring properties. The Planning Service is assured it has discharged its statutory responsibility in this respect.

Finally, objectors draw reference to the Council's Opportunity Street Scheme, a part of which has involved introducing residential units back into the town centre above ground floor retail units, and opine that the proposal will undermine this. Such schemes thus far have been undertaken at the eastern end of Stepney Street at no's 10 and 12, which are a significant distance away from the application property. Whilst no's 31 and 48 Stepney Street have been purchased under this scheme also, there are no short term proposals or funding in place to introduce residential flats on the upper floors. The ground floor at no.31 is being re-used by Creft Bach, a small retailer, whilst the ground floor of no.48 is currently being renovated in preparation for a new retailer also. The closest existing residential properties to the application site are those at the former Pugh's Building as already addressed in this report.

CONCLUSION

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP, and is within the secondary frontage of the defined town centre. As such, there is no in principle objection to the development proposed.

There has been a recent change in planning policy focus at both a national and local level in relation to town centres, whereby town centres are now envisaged to have a broader role and not just the historic focus on retail. Therefore various uses appropriate to a town centre location should be supported where appropriate, and the proposed uses are considered acceptable in this context.

There is already an existing fire escape in place to the rear the building and the smaller additional fire escape to the rear of the building is considered acceptable in scale and design terms. The proposal will not adversely affect the setting of the adjoining listed building, whilst no objections have been received to this element of the scheme.

It is considered that the proposal will have no adverse residential amenity impacts whilst it is considered that the issues for concern and objection raised have adequately been addressed in the above appraisal.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Location plan 1:1250 @ A4 received 10th August, 2017;
 - Site layout plan 1:500 @ A4 received 10th August, 2017;
 - Existing plans and elevations (A101) 1:100 @ A1 received 10th August, 2017;
 - Proposed plans and elevations (A101) 1:100 received 14th November, 2017.
- 3 Prior to operation the proposed development shall undertake all mitigation works as specified in section 5.4 of the Noise Impact Assessment undertaken by InAcoustics (Ref No 17-320) dated the 7th of November 2017.
- 4 The rating level of sound emitted from the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
- 5 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in Condition 4. The assessment shall be undertaken under the supervision of the Local Authority.

- 6 In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in Condition 4. These measures will then be implemented forthwith.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3-6 To preserve residential amenity.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposal is not detrimental to the setting of the adjoining Grade II listed building.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable, will enhance the character and appearance of the area and does not adversely affect amenity.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Llanelli and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy RT3 of the LDP in that the proposed use at ground floor will remain A3 as existing, whilst the proposed nightclub element is considered compatible with such a town centre location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.

NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the

approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.