

**REFERENCE:** P/19/366/RLX

**APPLICANT:** C Howley & X Yardley c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

**LOCATION:** 11 Ewenny Road Bridgend CF31 3HN

**PROPOSAL:** Vary Condition 2 of P/18/839/RLX to change closing time from 23:00 to 23:30 and vary the wording of Condition 4.

**RECEIVED:** 24 May 2019

**SITE INSPECTED:** 22 May 2017 (under planning application P/17/397/FUL)

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

This application seeks to vary Condition 2 imposed upon planning permission reference P/18/839/RLX which reads as follows:

*The premises shall be used as a café bar 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, being open to customers between the following times:-*

*Monday to Saturday between 08:00 and 23:00;*

*Sundays and Bank Holidays between 08:00 and 23:00.*

*Reason: In the interests of residential amenities.*

The proposal seeks to vary the condition to extend the operating hours of the café bar to be open between the hours of 08:00 and 23:30.

In addition, the condition seeks to vary the wording of Condition 4 to read as follows:

*Prior to the installation of any cooking equipment that requires a grease trap to be fitted, details of the proposed grease trap shall be submitted to and agreed in writing by the Local Planning Authority. The grease trap shall be fitted in accordance with the details agreed prior to the commencement of use of the cooking equipment and thereafter, maintained so as to prevent grease entering the public sewerage system.*

### **SITE DESCRIPTION**

The application site is located within the Primary Key Settlement of Bridgend, as defined by Bridgend County Borough Council's adopted Local Development Plan (2013). It is located approximately 65 metres south of Cowbridge Road, the A473 Primary Route and is around 650 metres north of the A48 bypass road. The site is positioned within the Local Service Centre of Five Bells Road, which contains numerous small stores operating within predominantly A1 and A3 use classes.

The site comprises a two storey, semi-detached property that faces west. The western boundary of the application site lies adjacent to Ewenny Road, the B4265. The ground floor of the property is currently occupied by a café bar known as No11 café bar. Access to the ground floor is via the existing entrance-way adjacent to Ewenny Road. The first floor is accessed via the side entrance only.



**Jonathan Parsons**  
**Group Manager - Planning & Development Services**

**Bridgend County Borough Council,**  
**Civic Offices,**  
**Angel Street,**  
**Bridgend,**  
**CF31 4WB**

**P/19/366.RLX**

**11 Ewenny Road**  
**Bridgend**

**Scale: 1: 1,1250**

**Date: 23/07/19**

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## RELEVANT HISTORY

Application Reference	Description	Decision	Date
A/00/36/ADV	Internally illuminated wall mounted display unit	Conditional Consent	14/02/2001
P/03/1410/FUL	Change of use from flat to office	Unconditional Consent	16/02/2004
P/10/147/FUL	Change of use (sun bed shop) into coffee shop/café	Conditional Consent	14/04/2010
P/13/381/FUL	Change of use on ground floor from A3 to dog grooming parlour (sui generis)	Unconditional Consent	18/07/2013
P/16/948/FUL	One bed self contained flat	Refused	26/01/2017
P/17/188/FUL	Retention of 5 x bedsits at first floor level (retrospective application)	Conditional Consent	12/05/2017
P/17/187/FUL	Ground floor one bed self contained flat to rear of property (retrospective application)	Conditional Consent	12/05/2017
P/17/397/FUL	Change of use from dog grooming parlour to A3 (café bar) on ground floor	Conditional Consent	19/06/2017
P/17/949/RLX	Remove condition 2 of P/17/188/FUL (relating to the prevention of access/egress from flat roof)	Conditional Consent	10/01/2018
P/18/383/RLX	Remove conditions 2 & 3 of P/17/949/RLX	Conditional Consent	31/07/2018
P/18/384/FUL	Retention of ground floor one bed self contained residential unit	Refused	31/07/2018
P/18/839/RLX	Variation of condition 3 of P/17/397/FUL to allow hot and cold food takeaway	Conditional Consent	20/05/2019

## PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. A total of four objections have been received within the consultation period which expired on 21 June 2019.

The letters of objection were received on 20 June 2019 from the occupier(s) of the following properties:

- 15a Ewenny Road, Bridgend;
- 15 Ewenny Road, Bridgend;
- 18 Ewenny Road, Bridgend;
- 20 Ewenny Road, Bridgend.

The objections refer to the amenities of occupier(s) within the vicinity of the application site and the applicant's disregard to the current operating hours imposed upon the premises. Each letter refers to an incident in which the business has operated in breach of the operating hours which is detrimental to the amenities of the nearby occupier(s).

The letters refer to the noise levels emitted from the café bar, particularly when patrons exit later than the existing operating hours permit.

## **CONSULTATION RESPONSES**

### **CONSULTEE**

### **COMMENTS**

Cllr L Walters  
3 June 2019

No objection.

Bridgend Town Council  
14 June 2019

No objection.

Transportation, Policy  
and Development  
14 June 2019

No objection subject to the conditions from P/18/89/RLX being re-imposed as previously recommended.

## **RELEVANT POLICIES**

The relevant policies and supplementary planning guidance are highlighted below:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP10</b>	Retail and Commercial Hierarchy

## **Bridgend Town Centre Masterplan**

In the determination of a planning application, regard should also be given to the local 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:

### **Planning Policy Wales Edition 10**

#### **Planning Policy Wales TAN 4**

Retail and Commercial Development

#### **Planning Policy Wales TAN 23**

Economic Development

## **APPRAISAL**

This application is presented to the Development Control Committee to consider the objections received from the occupier(s) of neighbouring properties.

## **CONDITION 2**

The application seeks to vary Condition 2 imposed upon planning permission reference P/18/839/RLX to extend the operating hours from 23:00 hours to 23:30 hours.

Condition 2 was imposed upon planning permission reference P/18/839/RLX to ensure that the hours of operation were limited in the interests of residential amenity. The planning agent has stated that the proposal seeks to align the existing planning permission and the existing licence for the property. The licence for the property limits the supply of alcohol to 23:00.

Given that alcohol can be sold at the premises until 23:00, it is not considered reasonable to expect customers to vacate the premises at 23:00. For example, if customers buy alcohol at 22:50, it is unreasonable to expect them to vacate the premises within 10 minutes. Therefore, given that the licence allows the applicant to serve alcohol until 23:00, it is considered reasonable to allow a period of grace for customers to vacate the premises and for staff to clean up and shut the property.

The concerns raised by the neighbouring residents about patron noise outside of the permitted operating hours are noted, however, on balance, it is considered that the extension of 30 minutes will not be so damaging to the amenities of occupiers to warrant a refusal on such grounds.

The concerns predominantly relate to the noise emanating from patrons using the café bar once they have left the premises. This is difficult to control/limit in planning terms, given that the applicant of the Local Planning Authority is not responsible for the behaviour of patrons. Time constraints imposed upon a premises cannot control the behaviour of individuals who use and who vacate the premises. Therefore, whilst the objections are noted, it is considered, on balance, that the extension of operating hours by 30 minutes from 23:00 to 23:30 would not be so detrimental to the residential amenities of neighbouring occupier(s) to warrant a refusal on such grounds, given that the hours will be extended to accommodate the closure of the premises and to align with the licence granted to the applicant.

The proposed variation of Condition 2 imposed upon planning permission reference P/18/839/RLX is therefore considered to be acceptable in planning terms.

#### **CONDITION 4**

The variation of Condition 4 imposed upon planning permission reference P/19/366/RLX is sought because hot food cooked within the café bar is currently cooked in a convection and/or microwave oven and a grease trap for the purposes of serving food is not required at present.

The applicant proposes to reword the condition so that in the event that the type of food sold alters and requires the installation of a grease trap, details of the cooking equipment are to be submitted to the Local Planning Authority prior to the commencement of any such use.

Given the above, the variation of the wording of the planning condition is considered to be acceptable to the Local Planning Authority.

#### **CONCLUSION**

The application is recommended for approval. It is not considered that the extension of the operating hours from 23:00 to 23:30 will be so detrimental to the residential amenities of neighbouring occupier(s) to warrant a refusal on such grounds and the proposed variation of Condition 2 is therefore considered acceptable.

The variation of Condition 4 is considered to be reasonable, given that the existing hot food sold at the premises is cooked in a convection/microwave oven which does not require the installation of a grease trap.

#### **RECOMMENDATION**

(R53) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the "Site Location Plan" and "Floor Plan" received on 8 May 2017.

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

2. The premises shall be used as a café bar 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, open between the following times:-

Monday to Saturday between 08:00 and 23:30;  
Sundays and Bank Holidays between 08:00 and 23:30.

Reason: In the interests of residential amenities.

3. The use of hot and cold food takeaway in connection with the use of the premises as a café bar is hereby permitted, only between the following hours:

Mondays to Fridays 09:00 – 16:00  
Saturdays 10:00 – 15:00  
and not at all on Sundays and Bank Holidays.

Reason: To retain effective control over the use of the site and in the interests of highway safety.

4. Prior to the installation of any cooking equipment that requires a grease trap to be fitted, details of the proposed grease trap shall be submitted to and agreed in writing by the Local Planning Authority. The grease trap shall be fitted in accordance with the details agreed prior to the commencement of use of the cooking equipment and thereafter, maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.

5. \* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The application is recommended for approval. It is not considered that the extension of the operating hours from 23:00 to 23:30 will be so detrimental to the residential amenities of neighbouring occupier(s) to warrant a refusal on such grounds and the proposed variation of Condition 2 is therefore considered acceptable.

The variation of Condition 4 is considered to be reasonable, given that the existing hot food sold at the premises is cooked in a convection/microwave oven which does not require the installation of a grease trap.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES**

**Background papers**

None