

**REFERENCE:** P/19/368/RLX

**APPLICANT:** Mr G Cull c/o John Matthews Planning & Development  
47 Anglesey Way, Porthcawl CF36 3QP

**LOCATION:** Former Portway Surgery, 1 The Portway, Porthcawl CF36 3XB

**PROPOSAL:** Vary condition 4 of P/19/116/FUL to extend the closing time from 17:00 to: funeral director and office until 18:00 and pizza takeaway until 23:30 Sunday to Thursdays and 01:00 Saturdays and Sundays

**RECEIVED:** 24 May 2019

### **APPLICATION/SITE DESCRIPTION**

Planning permission was granted on 17 May 2019 for the change use of the ground floor of the former Portway Surgery to a Funeral Directors (Use Class A1), offices (Use Class A2) and a Domino's pizza takeaway (Use Class A3) with the first floor remaining as offices (P/19/116/FUL refers).

The consent was subject to conditions including:-

*The uses hereby permitted shall not be open to customers outside the following times:-  
0800 hours-1700 hours*

The condition was imposed in the interests of residential amenities and as per the opening hours stipulated by the Agent on the application form.

The principle of the Change of Use was established under the previous consent.

The current proposal seeks to vary this condition to extend the closing times for the Funeral Directors and offices until 1800 hours and the takeaway until 2300 hours Sunday to Thursday and 0100 hours on Friday nights/Saturday mornings and Saturday nights/Sunday mornings.

### **RELEVANT HISTORY**

P/19/116/FUL Conditional consent 17 May 2019

Change use of the ground floor from surgery to a Funeral Directors (Use Class A1), offices (Use Class A2) and a Domino's pizza takeaway (Use Class A3) with the first floor remaining as offices

### **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 20 June 2019

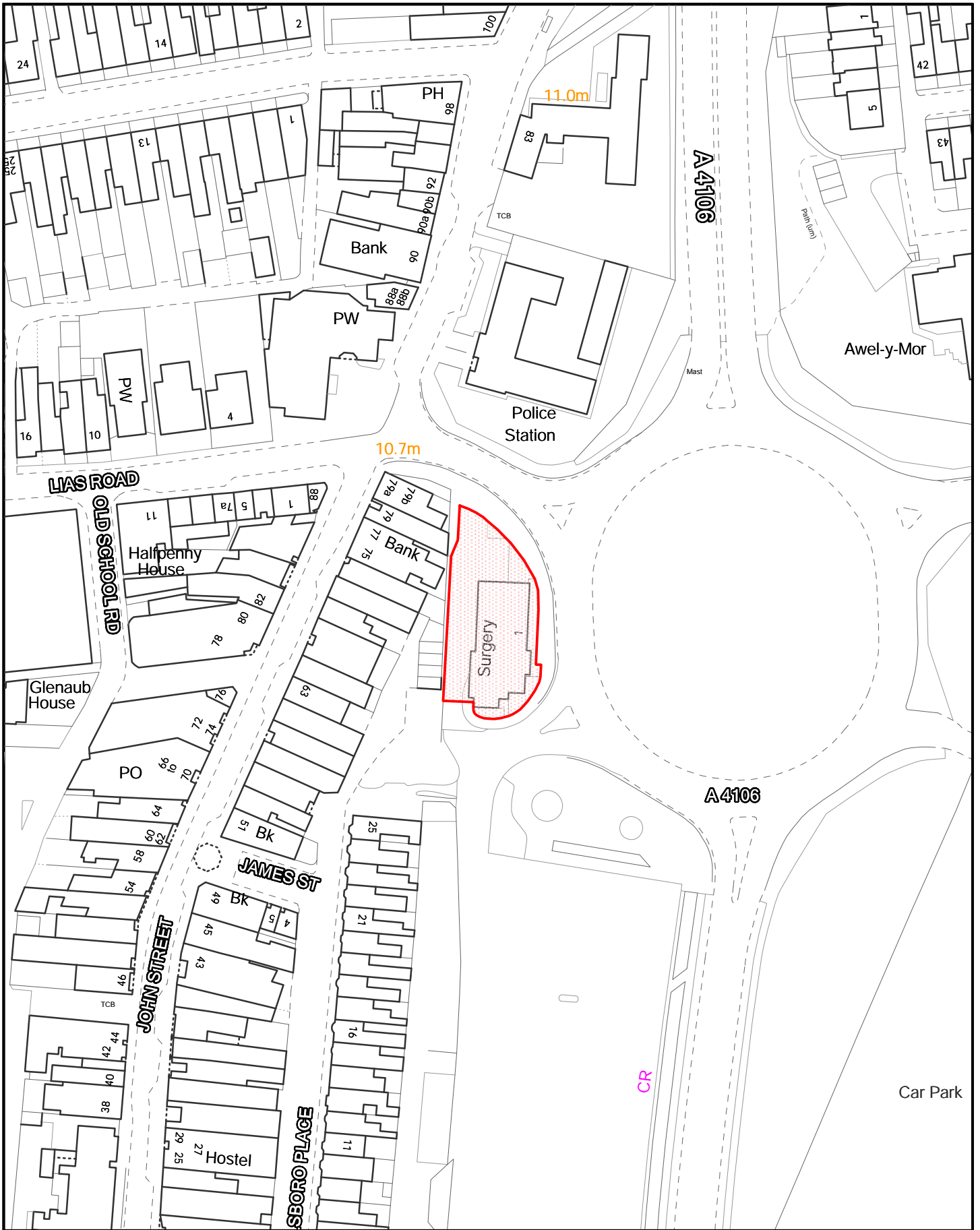
### **CONSULTATION RESPONSES**

Porthcawl Town Council strongly objects to the variation on the following grounds:-

- Proposed hours are in excess of existing establishments;
- Increased vehicles at pizza takeaway and residential areas (Hillsboro Place and John Street);
- Impact on neighbours.

Since the objection the hours of operation have been redefined and Porthcawl Town Council has been reconsulted. Any additional comments will be reported at Committee.

The Highways Officer has no objection to the variation of the condition.



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

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

**P/19/368/RLX**

**Former Portway Surgery,  
 Porthcawl**

Scale: 1: 1,250  
 Date: 23/07/19

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## **REPRESENTATIONS RECEIVED**

79a John Street - supports the opening times for the Funeral Directors but objects to the closing time for the Pizza Takeaway due to possible disturbance.

Our Pet Shop, 55 John Street supports the proposal.

Aqua Tech, 55a John Street supports the proposal.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The objection to the closing hours for the takeaway is acknowledged and is addressed in the Appraisal Section.

## **APPRAISAL**

The application is referred to Committee as Porthcawl Town Council and one local resident have objected to the proposal.

The premises is currently vacant however, up until December 2018, it was occupied as a Doctor's Surgery. The application site is located within the Main Settlement boundary of Porthcawl, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). It is situated within Porthcawl Town Centre and is just outside Porthcawl Conservation Area.

As such, Policy SP10 is relevant. This Policy provides for retail, community or commercial floorspace on the ground floor. The proposed uses were considered under the original application (P/19/116/FUL refers) and as they fall within these categories the proposed uses were considered acceptable.

Policy SP2 requires all development to 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 and establishes criteria against which development should be assessed. Given the limited changes to the elevations and the positive re-use of an existing building, the development was considered to comply with Policy SP2.

The proposed changes of use were not considered to impact the character or appearance of the building or wider area, as limited alterations were proposed to the external layout with a window on the front elevation being replaced with a door (to serve the reception area of the A2 use) and two windows on the rear elevation being replaced with doors (one serving a holding room for the A1 use and one creating an entrance for deliveries for the A3 use).

The applicant indicated on the submitted application form, for the original application, the hours of operation Mondays to Saturdays with the hours for Sundays and Bank Holidays to be confirmed by the end users. On this basis condition 4 was imposed.

It now transpires that the operators do not feel the restricted hours of operation reflect their businesses and the proposal seeks to vary condition 4 of P/19/116/FUL (which restricted operating hours at the premises to between 08:00 hours – 17:00 hours) to extend the closing times for the Funeral Directors and offices until 1800 hours and the takeaway until 23:00 hours Sunday to Thursday and 01:00 hours on Friday nights/Saturday mornings and Saturday nights/Sunday mornings.

In considering time limits for takeaways, SPG 14 – Hot Food Takeaway Establishments is relevant. This document divides areas into 4 categories:-

- LOCATION CATEGORY 1 - A location in an otherwise completely residential area.
- LOCATION CATEGORY 2 - A location in a small retail area in an otherwise residential area.
- LOCATION CATEGORY 3 - 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.
- LOCATION CATEGORY 4 - A location within a commercial area with a mixture of commercial uses with little or no residential premises above them or in the nearby vicinity.

It is considered that these premises are located within a Category 3 area whereby SPG 14 advises:-

*Location Category 3 areas are characterised by a mix of residential and commercial uses. Hence, by their very nature, some disturbance to residential premises late at night or early morning may already occur. Notwithstanding this, residents should still have the expectancy that existing amenity should not be worsened unreasonably, whilst acknowledging that it will continue to be less than in predominant residential areas. Therefore any permission for a hot food takeaway in a category 3 location will be conditioned so that it shall not be open to customers later than 1am.*

Paragraph 4.3.34 of Planning Policy Wales (Edition 10) states that food and drink uses can benefit retail and commercial centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.

One resident who lives approximately 20m from the building itself and backs onto the application site has no objection to the change in hours for the Funeral Directors or the officers but does object to the proposed change in the hours for the takeaway as he considers there could be a problem with disturbance.

It is acknowledged that 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 is a perceived problem however, in this case, the A3 unit is the furthest from the objector at some 35m and access for all the units is from the front with access onto Portway roundabout with parking available in Hillsboro Place car park (see below).



**Hillsboro Place  
Car Park**

**Proposed A3 Unit, Offices, Funeral Directors  
Former Portway Surgery**

**Objector's  
Property**

**Pavement  
to Lias Road**

Whilst determining the application Policies SP2 and SP10 of the Bridgend Local Development Plan and SPG 14 were considered.

## CONCLUSION

The uses of the premises are considered to be acceptable in accord with Council Policy SP10 and given the limited changes to the external appearance, in accord with Council Policy SP2. The proposed operating hours accord with a Location Category 3 of SPG 14 – Hot Food Takeaway Establishments and the proposal is considered acceptable.

## RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents:

Proposed ground floor plan - date stamped received 20 February 2019

Elevations - date stamped received 20 February 2019

Parking layout - date stamped received 16 May 2019

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

2. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to any part of the development being brought into beneficial use and retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

3. The cycle parking area shall be completed with Sheffield cycle stands in accordance with the approved layout prior to any part of the development being brought into beneficial use and retained for the purpose of cycle parking in perpetuity.

Reason: In the interests of promoting active travel and sustainable travel modes.

4. The offices and Funeral Directors hereby permitted shall not be open to customers outside the following times:-

08:00 hours -18:00 hours

Reason: In the interests of residential amenities.

5. The A3 use hereby permitted shall not be open to customers outside the following times:-

Sunday to Thursday 08:00 hours - 23:00 hours

Friday 08:00 hours - 01:00 hours (Saturday)

Saturday 08:00 hours - 01:00 hours (Sunday)

Reason: In the interests of residential amenities.

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

This application is considered to be acceptable in accord with Council Policy SP10, given the limited changes to the external appearance, in accord with Council Policy SP2 and SPG 14 - Hot Food Takeaway Establishments.

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

**Background papers**

None