

RECOMMENDATION : RELAX CONDITION GRANT WITH CONDITIONS

REFERENCE: P/14/834/RLX
APPLICANT: GARETH ROBERTS
52 TREM Y DYFFRYN BROADLANDS BRIDGEND
LOCATION: 11 PENYBONT ROAD PENCOED
PROPOSAL: RELAX CONDITION 1 OF P/09/396/FUL TO PERMIT USE AS MICROPUB
-OPENING HOURS 7.30-23.00 MONDAY-SUNDAY
RECEIVED: 17th December 2014
SITE INSPECTED: 9th February 2015

APPLICATION/SITE DESCRIPTION

The application proposes to relax Condition 1 attached to consent P/09/396/FUL to allow the use of the premises as a Micropub at 11 Penybont Road, Pencoed.

The condition attached to the earlier consent stated:-

"The premises shall be used for coffee shop/cafe only and for no other purpose whatsoever 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 or re-enacting that Order.

Reason : To ensure effective control over the use of the premises, in the interest of highway safety and residential amenities."

The statement, which accompanies the submission clarifies that a Micropub is an historic concept being brought back to life. A micropub whilst falling within the same A3 Use Class is not a standard pub, which aims at mass market vertical drinking offered by many of the national pub chains and clubs and which are commonly associated with many of the current issues highlighted with evening economy uses.

A micropub is, however, more reminiscent of a traditional public ale house providing a warm and friendly atmosphere for people to meet and chat over a drink. Micropubs are often small scale and aimed at a limited number of customers. They serve real ale by means of a tap from microbreweries with a nominal wine and soft drinks offering and limited snacks such as crisps and nuts. Micropubs serve no tap lager, alco-pops, spirits or cocktails; there is no jukebox, music, television, radio, fruit machine or organised entertainment.

RELEVANT HISTORY

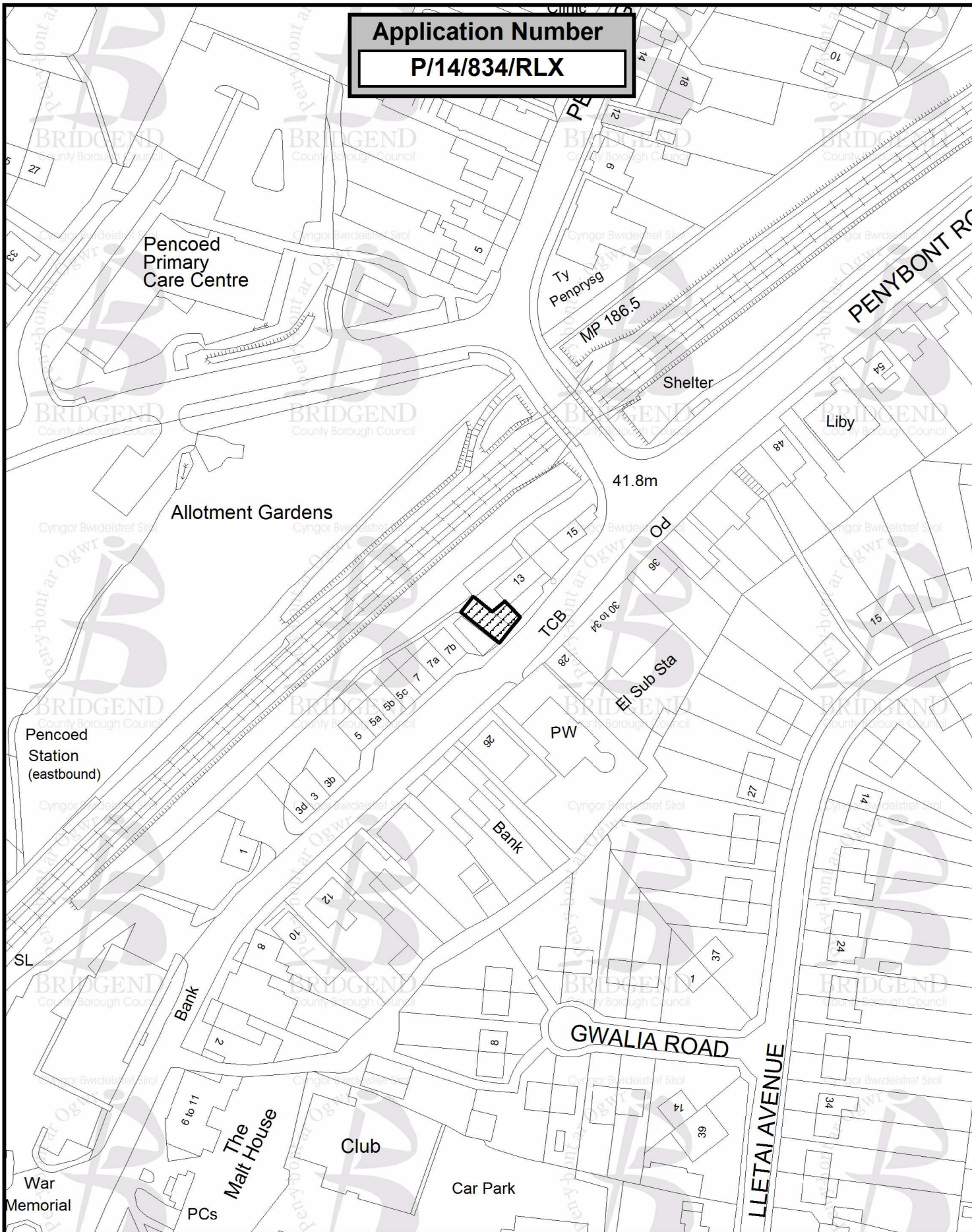
P/09/396/FUL APPROVED 08-07-2009
+conditions
CHANGE OF USE FROM A1 TO A3 (COFFEE SHOP AND CAFE)

PUBLICITY

The application has been advertised on site.

Application Number

P/14/834/RLX



Scale 1:1,250

**Date Issued:
26/02/2015**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

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

C:/Drive/Plandraw/new MI layouts/
Committee DC Plan

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Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 5th February, 2015.

NEGOTIATIONS

None

CONSULTATION RESPONSES

Town/Community Council Observations

Seriously considered to an unsuitable application
Strenuously request the application is refused

In a telephone conversation with the case officer, it has been clarified that the issues of concern relate to the lack of parking facilities to serve the development given its close proximity to the traffic light controlled junction with Penprysg Road, Pencoed. The Town Council also consider that there are sufficient public houses in the vicinity to serve the public. Whilst it is appreciated that the proposed use is not aimed at the mass market, there is a concern that the premises are small and there is the potential for customer congestion.

Head Of Street Scene (Highways)

No objection subject to condition.

Head Of Street Scene (Drainage)

No comments

REPRESENTATIONS RECEIVED

Richard S Hughes, 11a Penybont Road

Objects to the application for the following reasons:-

1. I live above the property so noise would be a nuisance;
2. There are no facilities at the property for the storage or disposal of waste. The adjacent garage is my rental and not for the use of the proposed development;
3. The property has only one toilet.

In a subsequent letter the following additional comments have been made:-

"I have objected to the above planning application on the basis that it will result in the demolition and redevelopment of the property, of course, this would have grave implications to myself as first floor resident.

I now understand that the development a change of use and internal work only, therefore I have no objection and indeed welcome the development as it would make my flat warmer than sitting above an empty property."

COMMENTS ON REPRESENTATIONS RECEIVED

The issues raised by the Town Council and in the original objection submitted by the occupier for the first floor flat above the application site will be addressed in the following Appraisal Section of this report.

APPRAISAL

The application is referred to Committee to consider the objections raised by the Pencoed Town Council and the local resident.

The application seeks consent to relax Condition 1 attached to consent P/09/396/FUL, which granted planning permission subject to conditions for the change of use from a retail shop (A1) to a coffee shop and cafe (A3) at 11 Penybont Road, Pencoed. As indicated in the earlier section of this report providing a description of the development, the condition restricted the form of the Class A3 use to a coffee shop and cafe only.

The application site is located on the north western side of Penybont Road close to the traffic light controlled junction with Penprysg Road, Pencoed. It was noted during the site inspection that the premises is a detached building, which is currently vacant and situated between a retail shop building and a solicitor's office. The main building is two storey and set back from the highway but a single storey element projects to the back edge of the footway. The submitted plans indicate that this front section will be used as the main trading area of the licensed premises with a small kitchen, lock-up and store area created at the rear. No external alteration of the building is proposed at this time.

The application site is located within the district centre of Pencoed as designated by Policy SP10 of the Bridgend Local Development Plan. This Policy states that new retail, office, other commercial, leisure and appropriate employment developments will be focused according to a hierarchy of retailing and commercial centres within the County Borough. All new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor. In this case, although the premises are currently vacant, their last and authorised use relates to a coffee shop/cafe use and the proposal seeks to create an alternate form of A3 use as a micropub. Notwithstanding that the Town Council considers that there are sufficient licensed premises in the vicinity of the site, commercial competition between uses is not in itself a planning matter. In addition the proposed use will serve a niche market rather than the standard public house type use and is compatible with development planning policy.

As noted above, the site is located in close proximity to the signalised junction of Penybont Road/Penprysg Road and there are waiting restrictions in force in front of the premises. The Town Council has expressed concern about the lack of parking facilities available to serve the proposed development. It is considered, however, that patrons of the proposed use would be likely to walk to the site and/or park elsewhere and therefore the development would not generate short term on street parking or abuse of the waiting restrictions in the vicinity of the junction to the detriment of highway safety and free flow of traffic. The Highways Department has recommended that the existing condition is modified to include the micropub use only in order to prevent a general A3 use which could include hot food take-aways, which would be likely to generate short term on street parking.

The occupier of adjoining residential accommodation has withdrawn originally submitted objections in respect of noise, waste disposal and toilet facilities. In respect of noise, the applicant has indicated that micropubs do not install jukeboxes, music, televisions, radio, fruit machines or organised entertainment and therefore it is not anticipated that the proposal would generate nuisance to residential amenity to an unacceptable degree. In addition, a condition on the existing premises requires the premises to close to customers by 23:00 hours, which will also assist in the safeguarding of residential amenities. Waste disposal will continue to be dealt with in the existing manner with weekly commercial collections. The adequacy of the toilet facilities would be a matter for the Licensing and/or Public Protection Departments to assess in relation to other legislation.

During the processing of the application, Policy SP10 of the Bridgend Local Development Plan was considered.

CONCLUSION

The application is recommended for approval as the development is compatible with Council Policy and will not adversely impact on highway safety nor visual amenities nor so significantly impact on the amenities of neighbours as to warrant refusal of the scheme.

RECOMMENDATION

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

- 1 The premises shall be used for a micropub, which is defined as the sale of cask conditioned ales and other beverages directly from a tap with a nominal wine and soft drinks offering and limited snacks such as crisps and nuts, or coffee shop or café with no food being sold for consumption off the premises and for no 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 highway safety.

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

07:30 hours - 23.00 hours Monday to Sunday

Reason : To limit the hours of operation in the interests of amenity.

- 3 All fumes from the food preparation area shall be mechanically extracted to a point not less than one metre above the eaves of the main roof and the extraction system shall be provided with a deodorising filter. All fans and pumps shall be mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented prior to the beneficial use of the premises. Prior to the development being brought into beneficial use, a programme for the maintaining of the equipment shall be submitted to and agreed in writing by the Local Planning Authority. The equipment shall thereafter be maintained in accordance with the agreed programme.

Reason : To ensure that the amenities of adjoining and nearby occupiers are not prejudiced.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

(a) The application is recommended for approval as the development is compatible with Council Policy and will not adversely impact on highway safety nor visual amenities nor so significantly impact on the amenities of neighbours as to warrant refusal of the scheme.

(b) For the developer's further clarification of the micropub use, as indicated in Paragraph 1 entitled What is a Micropub of the statement, which accompanied the application, the Local Planning Authority considers that the use would only extend to the serving of real ale by means of a tap from microbreweries with a nominal wine and soft drinks offering and limited snacks such as crisps and nuts. There shall be no serving of tap lager, alco-pops, spirits or cocktails nor shall any jukebox, music, television, radio, fruit machine be installed or any organised entertainment.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None