

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0409	<u>DATE:</u> 11/05/2016
PROPOSAL:	Change of use of part of Community Enterprise Centre (use class Sui Generis) to a separate café (operating hours 08:00 to 16:00) and takeaway and delivery services (operating until 23:30) (use class A3).
LOCATION:	Croeserw Community Enterprise Centre., Bryn Siriol, Croeserw Cymmer, Port Talbot SA13 3PN
APPLICANT:	Mr Scott Jones
TYPE:	Full Plans
WARD:	Cymmer

Background Information:

The application is being reported to committee as the applicant – Mr Scott Jones - is an Elected Member of the Council.

Planning History:

P2013/0029 - Two storey detached community and enterprise centre with multi use games area and associated car parking and engineering operations (amendment to planning permission ref. P2011/0783 granted on 16/1/12 comprising of the re-siting of the building, car park and MUGA). - Conditional approval 03/07/13.

P2011/0783 – Two storey detached community and enterprise centre, with multi use games area and associated car parking and engineering operation. - Conditional approval 16/01/12.

Publicity and Responses:

Head of Engineering and Transport (Highways): No objection subject to the takeaway service being restricted to the hours specified, to ensure that there is adequate car parking provision.

Environmental Health (Noise): There would be no proposed changes to the ventilation or extraction systems to the kitchen to accommodate the takeaway and therefore they have no comment to make.

Dwr Cymru Welsh Water: No objection subject to condition.

12 adjacent dwellings have been consulted by letter and site notices have been displayed around the site. To date no representations have been received.

Description of Site and its Surroundings:

The site is occupied by a two storey community and enterprise centre. The centre provides a mixture of community, training, sporting facilities and an ancillary cafe. To the north of the centre is the access road, its car parking and the multiuse games area (MUGA), while to the south there are the existing two storey semi-detached dwellings of Pen y Wern.

Brief description of proposal:

When planning permission was granted for the Community and Enterprise Centre it included the provision of training facilities and workshops including a restaurant/cafe and associated kitchens, which were proposed to be used to provide catering facilities for the users of the centre while also providing catering training for the wider community. When the centre initially opened the council operated the café and associated catering training facilities at a loss, however as part of cost cutting measures the operation of the café has been put out for tender and the applicant was the successful bidder.

The proposed application seeks permission to operate a takeaway and food delivery service from the café after its normal ancillary operating hours for the centre. As such the proposal would mean that the café would operate as an independent separate planning unit and not just as an ancillary café to the main operation of the Community and Enterprise Centre. The proposed operating hours for the café are stated as 08:00 to 16:00hrs each day. The proposal seeks permission to undertake a proposed takeaway service which would operate from 16:00 to 23:30hrs each day and a food delivery service which would operate 10:00 to 23:30hrs Mondays to Fridays and 09:00 to 23:30hrs Saturdays and Sundays.

Material Considerations:

The main issues for the consideration in the determination of application are the impact upon the character and appearance of the surrounding area, the impact upon the residential amenity of the occupiers of the adjacent dwellings and the impact upon highway and pedestrian safety.

Policy Context:

The Development Plan comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, within which the following Policies are of relevance:

Policy SC1: Settlement Limits.

Policy SC2: Protection of Existing Community Facilities.

Policy TR2: Design and Access of New Development.

Principle of Development

While the proposed development seeks to operate as a takeaway and food delivery service beyond the normal operating hours of the Community and Enterprise centre, during the operating hours of the centre it would still provide the café service to the users and operators of the centre. As such the proposed development – subject to a condition restricting its use to that applied for - would not result in the loss of an existing community facility and would accord with Policy SC2. It is therefore considered that the principle of the development is acceptable subject to the development complying with the criteria of the other development plan policies.

Visual Amenity:

The proposed development seeks permission for the café to operate independent of the rest of the Community and Enterprise Centre, for a takeaway and food delivery service which would operate after the hours of the rest of the centre. The development does not propose any external alterations to the building or any changes to the existing extraction and ventilation system that serves the existing café. The scale and character of the proposed change of use would not be out of keeping with the existing uses that would continue to operate in the rest of the building. As such the proposed development would have no detrimental impact upon the character or appearance of the surrounding area.

Residential Amenity:

There are a number of existing dwellings within Pen y Wern which back onto the application site. While the proposed development would result in the extension of the operating hours of the café (and associated takeaway / delivery service) within the wider Community and Enterprise Centre, it is considered that the associated increase in activity would be to the front of the centre, with the centre itself acting as a screen to the rear of the residential properties. It is therefore considered that there would be no material increase in the level of noise and disturbance experienced by the adjacent dwellings that currently occurs from the existing Community and Enterprise Centre.

It has also been confirmed that there is no intention to change the existing extraction and ventilation system within the existing kitchen area. As such the Environmental Health Section has confirmed that they have no comment to make in regard to the proposed development.

As such the proposed development would have no unacceptable impact upon the residential amenity of the occupiers of the adjacent dwellings.

Highway Safety (e.g. Parking and Access):

The proposed development seeks permission for the operation of a takeaway and food delivery service from the existing café premises. The food delivery service would not result in an increase in visitors to the property and as such would have no impact upon the existing car parking provision the serves the Community and Enterprise Centre.

The proposed takeaway service would operate outside the normal operating hours of the centre. The centre has two purpose built car parking areas, both on the northern side of the access road. The car parks provide a total of 55 car parking spaces. The Head of Engineering and Transport (Highways) has stated that they have no objection to the proposed development subject to a condition that seeks to limit the takeaway operating hours to those as specified by the applicant to ensure that there would be adequate car parking provision for both the proposed development and the existing Community and Enterprise Centre. As such it is considered that the proposed development would have no unacceptable impact upon the highway or pedestrian safety of the existing road network.

Other:

Dwr Cymru Welsh Water has raised no objection to the proposed development subject to a condition to fit grease filters to the drains. However as the proposal seeks to change the operating nature of an existing A3 use, it is considered that it would not be reasonable to impose this condition at this stage to an existing A3 use.

Conclusion:

Subject to the imposition of suitable conditions to restrict operation hours, the proposed development would have no unacceptable impact upon the character and appearance of the surrounding area or upon the residential amenity of the occupiers of the adjacent dwellings, nor would the proposal have a detrimental impact upon highway and pedestrian safety. As such the proposed development is considered to accord with Policies of Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS:

Time Limit Conditions

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Site Plan 09:129 A02 Rev L
- Ground floor Plan as Proposed 09:129 A03 Rev M.
- Description of the Proposal.

Reason

In the interests of clarity.

Regulatory Conditions

(3) The hereby approved café and food delivery service (Use Class A3) shall not operate between the hours of 23:30 and 09:00 Mondays to Sundays and any takeaway service shall not operate between the hours of 23:30 to 09:00 hours Mondays to Sundays.

Reason.

In the interests of residential amenity and highway and pedestrian safety.

(4) The premises shall be used for a café with associated takeaway and food delivery service 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 with or without modification) and notwithstanding the provisions of Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), there shall be no permitted change of use.

Reason.

To ensure the adequate provision of community facilities.

REASON 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.

The proposed development would have no detrimental impact upon the character and appearance of the surrounding area or upon the residential amenity of the occupiers of the adjacent dwellings, nor would the proposal subject to the imposition of suitable condition to restrict operation hours have a detrimental impact upon the highway and pedestrian safety of the existing road network. As such the proposed development is considered to accord with policies of Neath Port Talbot Local Development Plan.