

## PLANNING COMMITTEE

15<sup>th</sup> January 2019

### AMENDMENT SHEET

#### ITEM 4

<u>APPLICATION NO:</u> P2018/0860	<u>DATE:</u> 06/11/2018
<b>PROPOSAL:</b>	Retention of premises as café/restaurant/bar (Use Class A3) with tourism accommodation at first-floor (Use Class C1); retention and alteration of detached storage building/servery with new pitched roof in lieu of seating area and stepped access, plus formation of dedicated parking area for 6 vehicles on land to the north-east of the Angel Hotel and one disabled persons parking space on site
<b>LOCATION:</b>	Former Tourist Information Centre, Pontneathvaughan Road Glynneath , Neath SA11 5NR
<b>APPLICANT:</b>	Mr G Richards
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Glynneath

Following publication of the report, an additional detailed letter of objection has been received (from the same objector), along with a follow-up email.

Many issues relate to the objector's ongoing concerns with the tender process for the building prior to the issue of the lease and subsequent implementation of the previously-approved mixed use café (Use Class A3) on ground-floor and tourist residential lodging accommodation at first-floor. The report has noted that these are not a material planning issue and, accordingly, while the detailed objections are available to view on the planning file, the summary of issues raised refers only to those matters that relate to the planning merits of the application: -

- It is worrying that a condition restricting hours was removed to facilitate evening opening, despite Environmental Health saying it would cause a nuisance to the occupiers of the bunkhouse above (now letting rooms), and that a planning condition restricting the ground-floor to café within class A3 is proposed to be removed.

- In this report it states that the use requires 14 spaces but last time it was erroneously calculated as 8, and permission allowed with just 6. However, none were provided on site and a bar and beer garden erected with no proper checks or enforcement.
- There is no planning justification to move the parking to an even more unacceptable location just because the applicant's want a beer garden and extension. Also, how long is the rent for and what happens if it becomes unavailable?
- NRW has stated the cesspit is unacceptable. The officer's assessment asserts the acceptability was established on the previous application, yet the previous application still needs to be regularised. There are concerns that the current arrangements are not acceptable – especially as there is no parking for the lorry and potential environmental impacts.
- This proposal seeks an increase in the number of customers at ground-floor which is also now proposed to change from a limited cafe serving snacks to a more comprehensive food and drink offering similar to the local other pubs, and in the letting rooms. Why are misrepresentations being made to statutory consultees, rather than requesting evidence from the developer. A connection to the mains sewer is required.
- There are concerns that it has been difficult to enforce some of the conditions. Planning conditions should not be used where they are unenforceable. What was the purpose if they are not intended to be used? This casts doubt whether any planning conditions on NPTCBC Estates would ever be enforced.
- The report has incorrectly calculated by a large margin the parking requirements for the former use, the original proposal, the actual development and this proposal. The proposal is asking for a reduction in the standards by about 70%, and a lot more if it proposed to use the outdoor space as a licensed bar/restaurant

In response to the above, the following comments are made:

- In respect to the concerns relating to the condition on the previous permission restricting the ground-floor to an A3 café only, it should be noted that this was to restrict a 'blanket' A3 use, and allow the LPA to have suitable control over potential future A3 uses, such as takeaways, in the interest of amenity. It does not mean that other A3 uses (such as a restaurant/bar) are unacceptable, but just restricted those which could normally have been implemented without the need for further consent to be obtained. The impact of the current development is now being considered retrospectively under this application.

- In respect of the application to assess the extension of opening hours, this was considered on its merits in terms of its impacts on residential amenity, and with discussions with the Licensing and Environmental Health sections. It should be noted that the Environmental Health Section offered no objection to the extension of opening hours, but raised *potential* concerns regarding any further extension (i.e. past 23.00 hrs).
- In relation to the concerns regarding parking provision on this and the previous applications, these have been considered thoroughly in the main report.

To clarify, the previous use as a TIC required 8 parking spaces, and the previous A3 café with tourist accommodation would have required 9 spaces but was approved with a total of six spaces on site.

It should also be noted that the Parking Standards SPG details pubs, restaurants and cafes differently (as detailed below, and even though they fall within the same Use Class) and for the purpose of this application Officers have determined that it is appropriate to assess against the 'restaurant' category:

- Pub Requirement = 1 Space per 5m<sup>2</sup>
- Restaurant Requirement = 1 space for 7m<sup>2</sup>
- Café Requirement = 1 space per 14m<sup>2</sup>

The current proposal thus requires a maximum of 14 spaces, but for the reasons outlined within the report the 7 spaces proposed under this scheme would be considered acceptable in terms of highway and pedestrian safety. While the objector refers to use of the external area, outdoor seating area is not detailed within the SPG and is therefore not included within the calculations.

In this respect Officers are satisfied with the assessment against the Parking Standards SPG, but in any event it should be noted that the SPG is given 'weight' as a material consideration when determination applications but is ultimately guidance, and thus the critical issue is whether any failure to adhere to standards (noting that these are *maximum* standards) would cause an unacceptable impact on highway safety and, in this case, no such objection is raised for the reasons stated within the report.

- Turning to the concerns relating to the new parking area, it should be noted that the developer has confirmed that the lease would be for 25 years. Nevertheless, planning condition 2 on this permission requires the new parking space to be "retained and made available for parking use associated solely with the use of the property known as Sgwd Gwladys". This means that they need to be kept available whilst Sgwyd Gwladys is operational. If they become unavailable, the

developer would need to apply to vary the condition and as part of that submission would need to provide an alternative scheme.

- With regards to the concerns relating to the cesspit and as previously stated, NRW offers no objection to this planning application given the lawful use of the property already. As stated in the main report, the site has an extant planning permission for an A3 café at ground-floor and tourist accommodation at first-floor (albeit there are issues with compliance with conditions). The breaches of the conditions do not mean that the consent is no longer extant and, accordingly it remains a material consideration in the determination of this application. Whilst the cesspit arrangements would not necessarily be desirable over the longer term, a refusal of the application on these grounds cannot therefore be substantiated. Nevertheless, an informative will be added to this application advising the developer to seek alternative means of foul disposal for the future.
- In respect of the comments that additional information should be requested from the developer, it should be noted that this has been provided in respect of the tank capacity, maintenance regime and potential alternatives. Due to the layout of the site and land required for run-off drainage, there are unlikely to be any viable alternatives for foul sewage disposal other than connecting into the mains sewage system. However, this will require substantial funds and potentially the addition of a pump, and will be a matter for the applicant to discuss with Welsh Water. It should be noted that there is sufficient space within the new layout for tanker lorries to reverse into the site.
- Finally, the concerns relating to the enforceability of conditions of NPTCBC owned property, it noted that any planning enforcement action in such cases would need to be taken against the tenants/operators (since we cannot prosecute ourselves). Furthermore, the Estates Section also has the power to take formal action (if deemed necessary and/or appropriate) through breaches of the lease etc. However, as stated in the main report, informal discussions are always the preferred course of action before considering formal action, as detailed in the Enforcement Charter.