

COFNOD / MEMORANDUM

I / To: **Viv Symonds**
Adran / Dept: **Licensing Department**
Dyddiad / Date: **18 May 2018**
Eich Cyf / Your Ref:

Oddi Wrth / From: **Sue Brown**
Ein cyf / Our ref: **SB1-610330**
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SUBJECT: PREMISES LICENCE – APPLICATION FOR A PREMISES LICENCE
LOCATION: THE PLUG, 13A/15 STATION ROAD, DINAS POWYS

I refer to your memorandum received by Shared Regulatory Services on 24 April 2018.

1. Environmental Health have identified the following issues as relevant to the Public Nuisance and Public Safety Licensing Objectives:

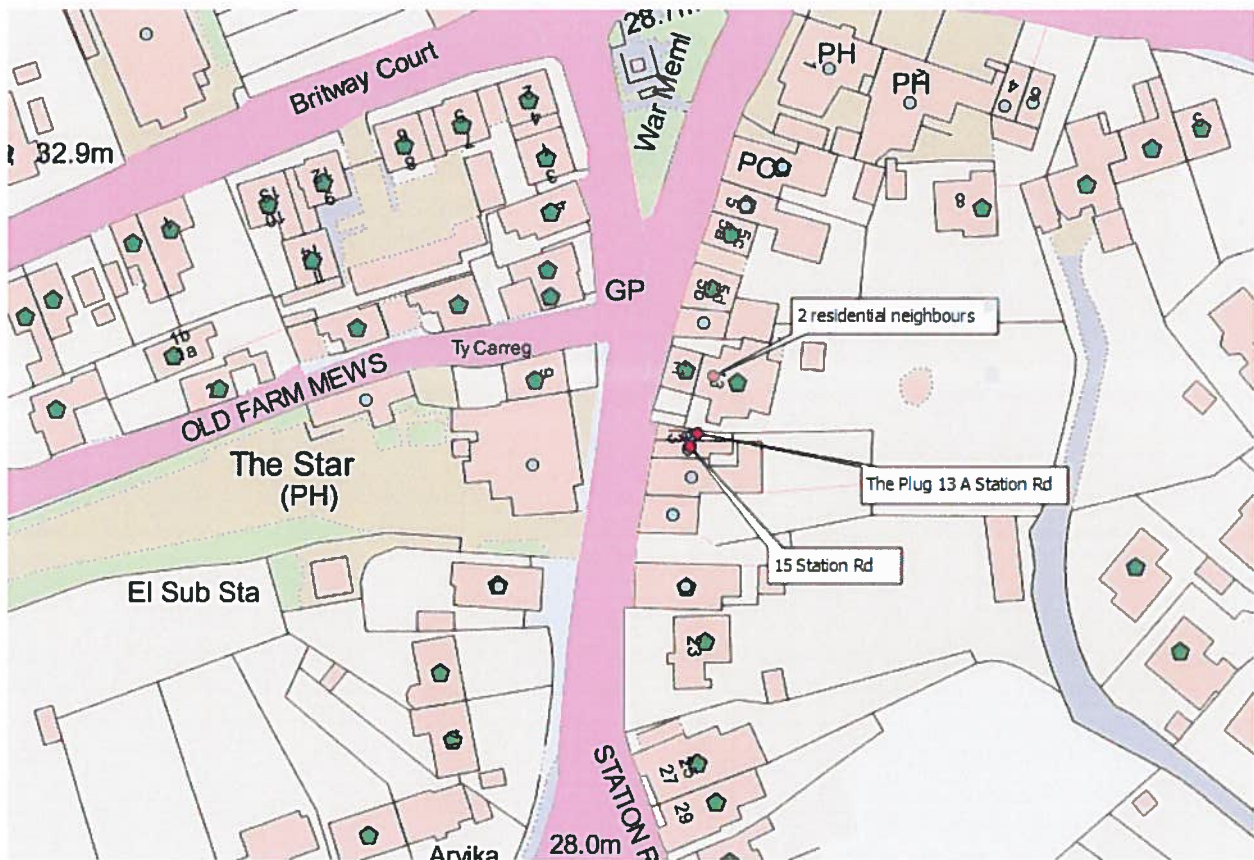
The premise, subject to the application and currently trading as 'The Plug', has operated as a café since being granted planning permission in 2014. (2014/00202/FUL).

Currently the premise has planning permission to operate only as a coffee shop within 13A Station Road, the single storey flat roofed building to the centre of the photograph below.

This application for a Premise Licence is in relation to both 13A, the single storey building, and 15 Station Rd, the adjoining two storey building to the right of the photograph that was previously trading as a hairdressers.



The premise is within a Conservation Area. As can be seen from the map below the area is a mix of retail establishments, shown by blue dots, and residential properties, green symbols. Overlaid blue dots on green symbols indicate mixed occupancy as in flats above shops. Lastly the pink indicates adopted roads and pavements.



In 2014 permission was granted to turn an 13A Station Road from a florist; an A1 building into an coffee shop A3 only.

Extract from Decision Notice;

2. *The coffee shop shall be used only for the purpose specified in the application and for no other purpose whatsoever, including any other purpose in Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.*

Reason:

To control the precise nature of the use of the site in the interests of the amenity of adjoining residential occupiers, and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

3. *The use hereby permitted shall not be open to customers outside the following times:*

Monday to Saturday: 08:00-22:00

Sundays and Bank Holiday: 09:00-16:00

Reason:

To safeguard the amenities of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

1. Timings

It should be noted that the Premise Application is for the following hours;

- Standard Times applied for live and recorded music and the supply of alcohol are:

Sunday to Saturday/ 7 days a week 08:00 – 23:00

With closure also at 23:00

These hours go beyond that of those granted under planning law, and with possibly closure at 23:00 staff would foreseeably be on site after 23:00.

2. Observations and Recommendations

Careful consideration has been given to this application. The location of the premise and nearby residential property has been considered and the following is advised.

The main issues regarding this application are;

- Noise emanating from the premise itself especially when windows are open to provide ventilation.
- Noise break-out from the premise itself, noting especially that flat roof constructed properties are known to offer poor sound insulation.
- Also especially since the smoking ban has been in place the entrance area/ pavement outside premises has been witnessed to be noisy due to patrons gathering as well as doors being regularly opened and closed.
- The effect that the use of the premise could have on nearby property occupants and the general residential amenity of the area due to noise levels.

It should be noted that inquiries by this department indicate that currently;

- a) There is no planning permission for the use of 15 Station Road as a café and this is currently the subject of an investigation by the Local Planning Authority.
- b) The work carried out at 13A and 15 Station Rd is subject to an un-authorised works investigation, including the removal of a load bearing wall, by the Building Control Department.
- c) The utilisation of the pavement by the placing of a bench and stools on it, as well as the installation of a shelf jutting into the pavement is currently under investigation by the Highways Department.

Also;

- d) The Committee should be mindful that should they grant a Premise Licence to this establishment for the supply of alcohol that due to de-regulation no licence permission is required for live and recorded music as it shall take place between 08:00 and 23:00.
- e) Also as permission will not be required for live and recorded music conditions cannot be imposed on the Premise Licence.
- f) The Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018, issued by the Home Office states the following;

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee

- g) Should Committee grant as applied for the hours on the Premises Licence would state closure at 23:00 would go beyond those permitted by the Local Planning Authority.

*Monday to Saturday: 08:00-22:00
Sundays and Bank Holiday: 09:00-16:00*

3. Conclusion

It is for the Committee to decide should this premise with permission for a coffee shop only, and no other A3 use, such as a bar or music venue be granted permission to supply alcohol and thereby default and de-regulation be permitted to have live and recorded music 08:00 until 23:00.

Due to the mixed residential nature of the area and the fact that there are residential neighbours in very close vicinity to a poorly insulated flat roof single storey building, as well as the other factors detailed above, it is the conclusion of Environmental Health that the Committee should not grant a Premises Licence for the supply of alcohol and by default live and recorded music.

SUE BROWN
NEIGHBOURHOOD SERVICES OFFICER