



PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0407/10
(EL)
APPLICANT: Mr B Summers
DEVELOPMENT: Proposed change of use from offices (B1) and retail (Class A1) to bar/restaurant (A3). (Amended description of development 17/05/18)
LOCATION: TY CARREG, COWBRIDGE ROAD, PONTYCLUN
DATE REGISTERED: 18/04/2018
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed activities would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The applicant is a serving Elected Member or their immediate family;

APPLICATION DETAILS

Full planning permission is sought for the change of use of Ty Carreg, Cowbridge Road, Pontyclun from offices (Class B1) and retail units (Class A1) to bar/restaurant (Class A3).

No increase in the footprint of the building is proposed and no external alterations to the appearance of the elevations are required. Whilst it is noted that extraction equipment will be required to suppress odour, it is anticipated that this would be accommodated within an existing upper floor opening at the rear of the property.

The plans that accompany the application indicate that the existing internal layout would be modified slightly to accommodate the proposed use. At ground floor level and internal partition would be removed to create one large open plan space and the kitchen area enlarged. At first floor level the large open plan space would be retained with a bar area created within this. Similarly at second floor level the layout would be retained with the existing conference room space being converted to a kitchen space.

SITE APPRAISAL

The application property is former church, located on Cowbridge Road, the main road through the village of Pontyclun. Planning permission was approved for the conversion of the church to a retail and office development in 2009. At present the ground floor of the building forms two retail units, with office space on the floors above. Externally the building has been converted by retaining much of the original character of the church, with few changes to its external appearance. The property occupies a corner plot on the junction of Cowbridge Road and Stuart Street. There are a wide variety of uses along Cowbridge Road with a good mix of Class A1 retail and Class A3 food and drink establishments. Side streets, including Stuart Street are predominantly residential in character. Two smaller cottages, known as 1 and 2 Ty Carreg are located to the rear of the site, fronting Stuart Street. There is on-street parking along Cowbridge Road, although this is subject to parking restrictions. There are two public car parks within walking distance of the site, bus and rail services are also available within walking distance of the site.

PLANNING HISTORY

08/1791	Tabernacle Church, Cowbridge Road, Pontyclun	Refurbishment of existing church/community centre to provide two shops on the ground floor and an office on the first floor. General repairs to the external facade and forming two new doors (Amended plan received 12.01.09).	Granted with conditions 13/02/09
06/1962	Tabernacle Church, Cowbridge Road, Pontyclun	Retention of mixed use as church and community room, computer resource centre and cafe	Granted 15/01/07
04/2284	Tabernacle Church, Cowbridge Road, Pontyclun	Single storey extension to existing chapel for new computer/ IT suite.	Refused 03/02/05

PUBLICITY

The application was advertised by direct neighbour notification and site notices. One letter of representation has been received which is summarised as follows:

- It is claimed that there is evidence to suggest that there is no need for a further A3 venue in Pontyclun as there are already 5 similar scale venues in the vicinity of the site.
- It is noted that three of the public houses in the vicinity of the site have experienced difficulties in securing and retaining tenants to run the businesses.
- It is noted that the Athletic Club and Rugby Club provide space for family events. Both add vitality to Pontyclun but do not provide a commercial rate of return.
- The application makes no provision for car parking.
- It is noted that car parks in the village are full by 9am Monday – Fridays, being used by rail commuters and employees of local businesses, so could not be relied upon to provide space for customers of the business.
- Existing venues, such as The Windsor, the Rugby Club and Athletic Club do have car parking provision.
- It is stated that it is the role of the Planning Authority is to support the vitality of town centres.
- It is claimed that the existing use as high quality office space adds to the vitality of the village and employees working here would support existing shops and cafes in the village, creating a mutually supportive relationship.
- It is claimed that the proposed change of use would prevent the site from meeting the commercial and social need that it currently meets and an additional bar and restaurant would act to undermine existing venues.

CONSULTATION

Transportation Section – no objections raised.

Public Health & Protection - no objections raised, condition suggested requiring the installation of and details of the necessary equipment required to suppress and disperse fumes and smells produced by the preparation and cooking of food.

Land Reclamation & Drainage – no objections raised.

Dwr Cymru/Welsh Water - no objections raised.

Pontyclun Community Council – objections raised, concerns raised relating to the impacts resulting from parking and the fact that there are a number of similar venues already located within the village.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within defined settlement limits and within Pontyclun local and neighbourhood centre.

Policy AW2 promotes development in sustainable locations.

Policy AW5 sets out the criteria for new development in relation to amenity and accessibility.

Policy AW6 sets out the criteria for new development in terms of design and place-making.

Policy AW10 sets out criteria for new development in relation to environmental protection and public health.

Policy SSA16 sets out the retail hierarchy in the Southern Strategy Area. Within this hierarchy Pontyclun is classified as a local and neighbourhood centre. The policy states that proposals for retail development or changes of use to retail uses inside the defined settlement boundaries, which would maintain or enhance a centre's position in the retail hierarchy will be permitted.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 7 (Economic Development) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

The application property represents an established building, with a history of commercial activities, located within settlement limits. The proposal seeks to change the use of the building from retail and office use (Class A1 and B1) to a bar/restaurant (Class A3). No external alterations to the fabric of the building are required. As such, the key considerations in determining this application are the compatibility of the proposed use within the established area and the potential impact upon the amenity of neighbouring occupiers. The impact of the change of use upon highway safety is a further consideration.

Proposed Uses & Amenity Impacts

The building itself forms part of an established street scene in Pontyclun village centre. From the planning history, it is apparent that the property was originally converted from a church to mixed use retail and office development in 2009 and has been in use for commercial purposes since that date. Policy SSA16 sets out the retail hierarchy in the Southern Strategy Area. Within this hierarchy Pontyclun is classified as a local and neighbourhood centre. The policy states that proposals for retail development or changes of use to (Class A) retail uses inside the defined settlement boundaries, which would maintain or enhance a centre's position in the retail hierarchy will be permitted.

It is acknowledged that the proposal to create a bar/ restaurant would result in the loss of Class A1 and B1 floor space, however it must be noted that the proposed activity is also classified as an A Class use, albeit Class A3. Furthermore, consideration must be given to Planning Policy Wales which states that '*although retailing (A1 uses) should continue to underpin retailing and commercial centres, it is only one of the factors which contribute towards their vibrancy*'. It states that policies should encourage a diversity of uses in centres and identifies Class A3 food and drink establishments as one type of use which should be encouraged to promote lively centres and if appropriately managed can contribute to a successful evening economy. It is considered that this would be case in the current scheme as the existing external appearance of the building would be retained and the business would, through the proposed hours of operation, attract custom through the day and into the evening, therefore adding vitality to the village centre.

Notwithstanding the above, consideration has been given to the number of Class A3 uses in the village centre. Whilst it is acknowledged that there are three public houses and two sports social clubs within walking distance of the site along with a range of cafes and food establishments within the main shopping street, it is considered that the village also retains a good number of Class A1 uses, including food stores, butchers, post office and hairdressers. As such, it is not considered that the proposal would result in an overconcentration of Class A3 uses that would detrimental to the vitality or viability of the village centre. Furthermore, Planning Policy Wales makes it clear that it is not the role of the planning system to restrict competition between retailers within centres. Therefore, the proposed is considered to be compatible with its setting and is in accordance with the requirements of policy SSA 16 of the Local Development Plan.

Amenity

It is acknowledged that a number of residential properties are located in the vicinity of the site; these include nearby flats above neighbouring commercial shops and residential dwellings on side streets. The closest are two cottages, located to the rear of the site, fronting Stuart Street.

Whilst it is acknowledged that these are located in close proximity to the application site, it must also be noted that the site does lie within the neighbourhood/ village centre town centre of Pontyclun, with a frontage onto the main shopping street. As such, it is considered that the introduction of a Class A3 use would not be out of keeping with the general character of the area, which accommodates a variety of uses, including a number of existing Class A3 cafes, and hot food take aways.

Following consultation with the Council's Public Health & Protection Team, no objections to the application have been raised. They comment that potential nuisance resulting from odour generated by food preparation could be managed via the installation of an appropriate extraction system. As such, a condition requiring submission of details for an extraction system to suppress and disperse fumes and smells produced by the preparation and cooking of food is recommended, should members be minded to approve planning permission.

The applicant has proposed that the restaurant / bar would operate between the hours of 9.00am – 11.00pm Monday – Saturday and 10.00am – 10.00 pm Sundays and Bank Holidays. It is considered that these hours of operation are reasonable, given the site's village centre position and could be controlled via the use of a suitably worded condition.

Overall, it is considered that the proposed use as a restaurant and bar, trading during the day and evening, would be appropriate in its village centre location and compatible with neighbouring activities. Furthermore, it is not considered that the proposed use would be likely to cause an unacceptable degree of disturbance to neighbouring residential occupiers that would be so great as to warrant the refusal of the application. As such the application is considered to be in accordance with policies AW5 and AW10 of the Local Development Plan.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that the property is located on Cowbridge Road (A4222) which has a carriageway width of 7.5m with continuous footways on each side of the road. Cowbridge road also incorporates 2.0m wide parking bays on each side of the road, exclusive of its 7.5m carriageway width. The parking bays are subject to limited waiting restrictions of 30 minutes with no return in 1 hour between 09.00 and 17.00 from Monday to Saturday.

In accordance with the Council's adopted Supplementary Planning Guidance: Access, Circulation and Parking Requirements (March 2011), restaurants have a operational parking requirement of 1 commercial vehicle space and a non-operational parking requirement of 1 space per 7m² of dining area. The proposed development would result in a total dining area of 130m², and therefore a maximum non-operational parking requirement of 19 spaces. It is acknowledged that there are no off-street parking spaces proposed as part of the development, however, there is no scope for any provision within the curtilage of the site.

Furthermore, consideration must be given to the fact that the building occupies a sustainable village centre location, with off-street parking available in the nearby public car parks and good public transport links (bus and rail) within easy walking distance of the site. It is also anticipated that some customers would attend the premises on foot. Therefore, having assessed the scheme, in this case the lack of off-street parking provision is, on balance, considered acceptable in this situation. As such, the proposal is considered acceptable in terms of its potential impacts upon highway safety and therefore no objections are raised.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered to be in accordance with the requirements of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed activities would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety. Furthermore, it is considered that the proposal to employ an activity that falls under Class A, would represent an opportunity to provide employment opportunities and increase footfall and vitality in the village centre location through the day and into the evening.

Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW 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 Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

Site location plan scale 1:1250
Existing elevations scale 1:100
Existing ground floor plan 1:50
Existing first floor plan 1:50
Existing second floor plan 1:50
Proposed ground floor plan 1:50
Proposed first floor plan 1:50
Proposed second floor plan 1:50

and documents received by the Local Planning Authority on 16/04/18 & 18/04/18 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the restaurant / bar) shall be operated from the property site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission in accordance with Policies AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987 (or any Order revoking and re-enacting that Order with or without modification) this consent shall not extend to permit the use of the premises for the sale of hot food for consumption off the premises.

Reason: In the interests of residential amenity and highway safety.

5. The use hereby approved shall not operate other than between the hours of:

Monday – Saturdays 09.00am to 11.00pm
Sundays & Bank Holidays 10.00am – 10.00pm

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development details of any equipment required to suppress and disperse fumes and smell produced by cooking and food preparation shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to the restaurant / bar being brought into beneficial use, in accordance with the approved details and shall be maintained and effectively operated for so long as the use continues.

Reason: In the interests of residential amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Plan.

7. Prior to the commencement of development details of a system to prevent waste cooking oil, fats, grease and food debris entering the foul drainage system shall be provided to the Local Planning Authority for approval. The system shall be installed in accordance with the approved details and remain operational for as long as the premises operates as a bar/restaurant.

Reason: In the interests of residential amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Plan.

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