



PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0621/10 (GH)
APPLICANT: Mr W Owen
DEVELOPMENT: Proposed single storey extension to accommodate "Truffles" Zero waste shop. (Coal Mining Risk Assessment received 7th December 2020, Bat Survey received 11th January 2021, Drainage Report received 28/02/21)
LOCATION: BOARS HEAD PUBLIC HOUSE, COEDCAE LANE, TALBOT GREEN, PONTYCLUN, CF72 9EZ
DATE REGISTERED: 28/02/2021
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The proposed shop extension would support the ongoing provision of a valuable community asset and contribute positively to the vitality and sustainability of the settlement. The development would neither cause detriment to the character of the local area, or the amenity of neighbouring occupiers; and would not be harmful to highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The applicant, Cllr Wayne Owen, is a serving Elected Member.

APPLICATION DETAILS

Full planning consent is sought for a single storey extension, to accommodate the Truffles zero waste shop which is trading from the Boars Head Public House.

The proposed shop would be a flat-roofed structure constructed to the southern side of the pub. Set well back from the principal elevation and on land currently used for sitting out, the development would have a width of 7.8m and depth of 8.3m, which would allow for a corridor and lobby between the shop and the existing café area.

The height of the structure, as measured from the southern side, would be 3.2m, above which a rooflight would be installed. The front and rear elevations would benefit from fenestration, whilst the two pairs of double doors to the rear would have ramp access. The shop extension is proposed to be finished with render, whilst the roof would have a GRP covering.

Originally, the application included a proposal for the construction of three dormer windows within the main roof of the existing two storey building, two of these which would be erected within the forward facing roof plane, and one to the side.

However, due to the timescale necessary to arrange a further bat emergence survey, the Applicant has confirmed that permission for the dormers will be sought at a later point and are therefore not to be considered within the scope of the current application. It has also been clarified that the proposal would be a replacement for the previously permitted log cabin (application ref. 19/0841/10) from which 'Truffles' is already trading from the site.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Drainage Report
- Coal Mining Risk Assessment
- Design and Access Statement
- Bat Survey Report

SITE APPRAISAL

The application property is the Boars Head public house and is located on Coedcae Lane within the Tyle Garw area to the north-west of Pontyclun.

Predating most of the surrounding development, the building has operated as a public house since its construction in the second half of the 19th century. The main two storey structure has been subject to more recent development, including single storey extensions, but retains its clear Victorian style and proportions.

The Boars Head is to the south of the Cambrian Industrial Estate and the main South Wales railway, the level crossing for which is a short distance away. Although two residential properties share a boundary with the premises the principal elevation of the pub faces towards woodland and its northern elevation is set back from Ash Grove by a group of mature trees.

A vehicular crossover to the side of the pub leads to a rear car park, and this is from where direct access to the proposed shop would be gained.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

19/0841/10: Construction of log cabin to form Eco. Zero Waste Shop. Decision: 24/10/2019, Granted.

14/0490/10: Single storey side and rear extension and install a chair platform lift. Decision: 30/09/2014, Granted.

06/1332/10: Proposed toilet block extension, with internal modifications and alterations. Decision: 29/08/2006, Granted.

PUBLICITY

The application has been advertised by direct notification to eight neighbouring properties and notices were displayed on site.

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection

Drainage

No objection. Although in a high flood risk area the proposed floor level of the extension, combined with the drainage report and results of the infiltration test, is sufficient not to require a condition.

Public Health and Protection

Conditions are recommended in respect of hours of operation, and the control of noise, dust, and waste. However, given existing public health powers that can deal with matters of statutory nuisance, it is considered that an informative note would be appropriate.

Natural Resources Wales

No objection, given the proposal is for an extension to the existing commercial use.

Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

Countryside – Ecologist

The Sylvan Ecology Bat Survey Report (11th January 2021) is a thorough and competent winter building inspection. It concludes that there is potential for some bat roost use of tiles, and areas of flashing, but found no evidence of roost within the loft spaces.

Dwr Cymru Welsh Water

DCWW advises that the site is crossed by a public sewer, but the proposed development would be situated outside of its protection zone which is measured 3 metres either side of the sewer centreline.

The Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Further detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary, and partly within a C2 Flood Zone and Coal High Risk to Development Area.

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

Policy AW2 - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

Policy AW5 – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. In addition, proposals must be designed to protect and enhance landscape and biodiversity.

Policy AW8 - Seeks to protect and enhance the natural environment from inappropriate development.

Policy AW10 - Development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Supplementary Planning Guidance

- Design and Place-making
- Access, Circulation and Parking Requirements

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 15: Development and Flood Risk;

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.

Main Issues:

Principle of the proposed development

The application relates to the construction of an extension to accommodate a zero waste grocery shop within the curtilage of an existing commercial premises.

Paragraphs 4.3.40 and 4.3.41 of PPW11 recognise that local and village shops, and public houses provide an important role in the local community, and that their economic and social function should be taken into account. Paragraph 4.3.42 also notes that shops ancillary to other uses can also serve a useful role in rural areas by providing new sources of jobs and services.

Furthermore, it is noted that the Applicant already benefits from planning permission for such a use, by virtue of his previous application 19/0841/10. This consent is of significant material weight and the shop would continue to help support a hospitality business which, like many others, will have suffered during periods of long closure due to Covid-19 restrictions.

Consequently, the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials, and overall visual appearance. This view is taken for the following reasons:

Although the design and proportion of the development does not mirror the Victorian style of the main two-storey part of the pub, there is already an extension to the rear to which the shop would be attached and the external finishes matched, and therefore it would not be considered to appear incongruous

The shop would also be located towards the rear and side of the site and set back from Coedcae Lane. Therefore, since it would be of single storey construction and its massing would be restricted, its position and existing boundary screening suggests that any visual impact upon the street scene would be limited.

Taking the above into consideration, it is considered that the proposals will not detract from the character or appearance of the site or surrounding area.

Impact on neighbouring occupiers

It is considered likely that neighbouring dwellings would have become accustomed to a degree of disturbance from the existing public house. Given that the extension would be within the curtilage of the site the continuation of this further retail use, during the daytime, would be unlikely to exacerbate any existing detriment to amenity.

However, in this regard the existing shop is subject to an opening hours condition which it is proposed to replicate on any new consent. The Applicant has confirmed that these opening hours remain suitable, thus condition 3 is recommended in this regard.

In respect of the physical location of the extension and its relationship with neighbouring properties, specifically the closest neighbouring property to the south, the single storey height and set back from the boundary would not be considered to cause any detrimental impact to the residential amenity of neighbouring occupiers.

It is also noted that no objections have been received from the occupiers of the surrounding properties following the consultation process. The application is therefore considered acceptable in this regard.

Access and highway safety

The Council's Highways and Transportation Section has noted the Applicant's confirmation that the proposed extension to accommodate the shop is to replace the previously approved construction of a job cabin.

The local highway network in the vicinity of the site is sub-standard in that it lacks segregated pedestrian footway facilities resulting in pedestrians and vehicles having to share the carriageway. The nearby level crossing also restricts vehicular traffic movements throughout the day.

However, the proposal is not anticipated to generate a significant number of trips, given the scale of the existing public house and its somewhat isolated location. Furthermore, the majority of trips are anticipated to be made on foot from nearby residential dwellings.

Deliveries to the proposal would likely be via smaller sized vehicles and deliveries to the public house currently take place without significant problems. There is scope for prospective customers to turn within the existing car park and re-join the public highway in a forward gear.

The Council's adopted SPG advises that shops with a Gross Floor Area of less than 200m² have an off-street parking requirement of 1 commercial vehicle space and 1 space per 60m². The proposed extension has a GFA of circa 58m², so the proposed development has an off-street parking requirement of 2 spaces. The proposal would have use of the existing car park for the Boars Head although no additional spaces are proposed.

However, given the small scale and niche nature of the proposed shop the number of trips generated are not expected to be significant and would likely be linked with the existing public house. Furthermore, parking associated with the shop would be short term. With these points in mind no highway objection is raised, and no conditions are requested.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is considered the proposal would not have a harmful impact on the character and appearance of the locality; the residential amenity of the surrounding neighbouring properties; or upon highway safety. The application is therefore considered to comply with Policies AW5, AW6 and AW10 of the Local Development Plan.

RECOMMENDATION: Grant

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 completed in accordance with the approved drawings and documents:
 - 01 - Proposed Ground Floor Plan
 - 02 Rev B - Proposed Elevations
 - 06 - Site Plan

and details and documents received on 7th July 2020, 5th October 2020, 7th December 2020 and 2nd March 2021.

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

3. The public opening hours for the business hereby approved shall be as follows:

Monday to Friday – 08:00 to 18:00 hours

Saturday – 08:00 to 17:00 hours

Sunday and Bank Holidays – 10:00 to 16:00 hours

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.