



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 OCTOBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0841/10 (JE)  
**APPLICANT:** Mr W Owen  
**DEVELOPMENT:** Construction of log cabin to form Eco. Zero Waste Shop.  
**LOCATION:** BOARS HEAD, TYLA GARW, PONTYCLUN, CF72 9EZ  
**DATE REGISTERED:** 02/09/2019  
**ELECTORAL DIVISION:** Llanharry

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**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

#### **REASONS:**

The proposal will provide a Zero Waste Shop at an established and well used Public House which would be a benefit to the local community. The proposal would also have no undue impact on the amenity of neighbouring properties the appearance of the area or highway safety within the vicinity. As such, the scheme complies with the relevant policies of the Local Development Plan.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The applicant is a serving Elected Member

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a log cabin to form an Eco Zero Waste Shop at the Boars Head, Tyla Garw, Pontyclun.

The shop would operate as a retail unit (Use Class A1) and would sell a number of locally sourced products such as fruit and veg, free range eggs and wholefoods. The aim of the store is for customers to refill their own containers to cut down on plastic waste.

The proposal would be located to the rear of the premises at an area which currently forms the beer garden with access gained from the existing car park. The proposal would measure a width of 5 metres by a depth of 5 metres, the proposed log cabin would have a dual pitched

roof design oriented north – south measuring a maximum height of 2.45 metres sloping to 2 metres at the eaves.

The following opening hours are proposed:

Monday to Friday: 08:00-18:00

Saturday: 08:00 – 17:00

Sundays and Bank Holidays: 10:00 – 15:00

## **SITE APPRAISAL**

The application site relates to a traditional public house located with a predominately residential area to the southwest of Cambrian Industrial Estate. It is a two storey gabled building of a vernacular style, the front elevation of which is stone clad with windows with finishes and surrounds in a Victorian style. The remaining elevations of the building are rendered. The pub is bound by a narrow lane to the front, the highway leading to the residential estate of Llwyn Onn to the north and neighbouring residential properties to the east and south.

Off road parking is provided to the rear in an area of approximately 500 square metres. An outside seating area is positioned between the south-western side elevation of the pub and the boundary with the nearest residential property known as 'Gwynant'. Number 104 Llwyn Onn is located to the rear of the site beyond the existing car park. There are no residential properties to the front or north of the pub.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the site are:

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

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

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

No letters of objection or representation have been received.

## **CONSULTATION**

**Highways:** No objection raised or conditions suggested.

**Natural Resources Wales:** No objection.

**Public Health and Protection:** No objection raised although conditions suggested in regards to hours of operation.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Pontyclun and isn't allocated for a specific purpose.

**Policy CS2** – sets out the criteria for development proposals within the Southern Strategy Area.

**Policy AW2** – supports development in sustainable locations

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

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** – does not permit development proposals which would have an adverse impact upon public amenity.

#### **Supplementary Planning Guidance:**

- Delivering Design and Placemaking: Access, Circulation & 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 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations (Wales) Act 2015 in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by Chapter 2 People and Places: Achieving Wellbeing Through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 Managing New Development.

Chapter 2 Achieving Wellbeing Through Placemaking  
Chapter 3 Strategic and Spatial Choices.  
Chapter 4 Active and Social Places  
Chapter 5 Productive and Enterprising Places  
Chapter 6 Distinctive and Natural Places.

Other policy guidance considered:

PPW Technical Advice Note 12: Design  
PPW Technical Advice Note 15: Development and Flood Risk  
PPW Technical Advice Note 23: Economic Development

## **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 a detached log cabin to form an eco-waste shop within the curtilage of an existing commercial premises. The principle of development is therefore acceptable subject to the criteria set out below.

#### **Impact on the character and appearance of the area**

Given the location of the proposed cabin towards the rear of the site, it would be largely screened from view from the street scene along Coedcae Lane. In addition, the scale and materials of the proposed cabin would be in keeping with its setting and as such it is not considered to dominate the overall appearance of the property. Furthermore, the existing boundary treatments would screen much of the shed from view from neighbouring properties to the south and east.

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

#### **Impact on residential amenity**

Given the small scale nature of the proposed use, the building itself is not considered to cause any detrimental impact to the residential amenity of neighbouring occupiers.

Furthermore, given its location within the curtilage of an existing public house, it is considered that neighbouring dwellings would have become accustomed to a degree of disturbance from the existing public house which operates from the site, and therefore the operation of a further small scale commercial unit at the site, during the daytime, would unlikely result in any further impact in this respect.

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.

## **Highways**

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application in respect of highway safety impacts. Their comments are as follows:

Whilst the highway network in the vicinity of the site is sub-standard in nature, the proposal is not anticipated to generate a significant number of trips in comparison to the existing public house given its small scale. Furthermore, the majority of trips are anticipated to be made on foot from residential dwellings.

The proposed use would have an off street parking requirement of 2 spaces and would utilise the existing car park serving the Boars Head Public House with no additional spaces proposed, which gives cause for concern. However, given the small scale nature of the proposed shop the number of trips generated are not expected to be significant. Furthermore parking associated with the shop would be short term. With these points in mind no highway objection is raised or conditions suggested.

Taking the above into consideration, the application is considered acceptable in terms of its impact upon highway safety within the vicinity of the site.

## **Flooding**

The application site falls within the defined C2 flood zone where there is potential for flooding to occur. As such, consultation was undertaken with Natural Resources Wales with the following response received: Given the scale and nature of the proposed development we consider the proposals are considered acceptable.

## **Public Health & Protection**

The Council's Public Health and Protection Division have raised no objection to the proposal, however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not considered necessary. An appropriate informative note would be sufficient.

## **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**

The principle of the proposed development is considered to be acceptable and there are no significant concerns with regard to the impact it would have on the character and appearance of the surrounding area, the residential amenity and privacy of neighbouring properties or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5, AW6 and AW10).

## **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):

- Proposed Elevations
- Indicative Plan
- Proposed Site Plan

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. 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 Holiday – 10:00 to 15:00 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.