



## **PLANNING & DEVELOPMENT COMMITTEE**

**12 AUGUST 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0613/10 (KL)  
**APPLICANT:** No. 12 Drinks Emporium  
**DEVELOPMENT:** Change of use from army surplus shop (A1) to craft ale and cocktail bar (A3) with roller shutter to front door.  
**LOCATION:** 12 MARKET STREET, PONTYPRIDD, CF37 2ST  
**DATE REGISTERED:** 24/05/2021  
**ELECTORAL DIVISION:** Town (Pontypridd)

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The application site is located within the Principal Town of Pontypridd where the principle of an A3 use is considered to be acceptable. The proposed use of the unit as a craft ale and cocktail bar would add to the vitality and viability of the town by attracting footfall to this area of the town during the day and the night, thereby contributing to the daytime and evening economy of the town.

The proposal would not result in any significant alterations to the external fabric of the existing building and it is not considered that it would have an adverse impact upon the character and appearance of the site or the surrounding conservation area.

Furthermore, the proposed hours of opening are considered to be reasonable and it is not considered that the proposal would have any additional impact upon the amenity of surrounding commercial and residential occupiers than that already experienced as a result of its town centre location and the location of similar establishments in the vicinity.

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

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

#### **APPLICATION DETAILS**

Full planning permission is sought for the change of use of the ground floor of no. 12 Market Street, Pontypridd from an army surplus shop (Use Class A1) to a craft ale and cocktail bar (Use Class A3). The first and second floors would remain as offices and a flat.

The proposal would result in only minor alterations to the existing building with a bar and a WC being provided internally. The existing shop front would be retained however it is noted that a roller shutter door has recently been installed in front of the door. It was also noted that other internal works had been undertaken at the officer's site visit.

Details submitted with the application indicate that the proposed bar would be open between the hours of:

Monday – Friday:	11:00 – 23:00
Saturday:	11:00 – 23:00
Sundays and Bank Holidays:	11:00-23:00

The bar would employ 2 full-time members of staff.

## **SITE APPRAISAL**

The application site relates to a three-storey, mid-terrace property which is located within Pontypridd town centre and within Pontypridd Town Conservation Area. The property is currently in commercial use (A1- retail) and benefits from an existing shop front onto Market Street. A separate access is provided to the offices and flat on the upper floors.

Given its town centre location, the surrounding area is predominantly characterised by commercial properties.

## **PLANNING HISTORY**

06/0473	11-12 Market Street, Pontypridd	Conversion of existing flat and office into self- contained flats including new external staircase	Granted 21/06/06
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and the erection of two site notices in the vicinity of the site. One letter of objection has been received and is summarised as follows:

- The proposal would have an adverse impact upon the existing legal practice above.
- The playing of music, audible outside drinking and general noise is not conducive to the operation of the legal practice.
- The use will be occupied with a number of patrons which will cause an increase in foot traffic, noise and obstruction to access.
- The siting and moving of tables and chairs have already obstructed the entrance to the legal practice.

- The proprietors have caused disturbance with 'live' guitar music and singing often without consideration of neighbouring businesses.
- Patrons smoke beside the doorway to the legal practice which is unpleasant and unsettling.
- Seated diners, drinkers and their animals and guitar playing acts as a deterrence to those wishing to discreetly attend the legal practice.
- The current music and seating are not 'in-keeping' with the retail and takeaway area. The bars and hotels are situated in the broader and more open areas of Market Street.
- The anticipated delivery of food, beers and ales are also likely to cause additional noise nuisance and obstruction to the legal practice.
- The seating area and busy access will cause a bottleneck in the road and further highway dangers where traffic will be unable to pass.
- It is not clear whether the premises have the ability to safely store materials such as bottled nitrogen and carbon dioxide which is normally required in the provision of wet sales. This is an additional risk to the legal practice.
- It is unclear what toilet provisions are available and there is concern that patrons will wish to avail themselves in alleyways, streets and doorways during the evening or night.
- Concern is raised with regards to the visual impact of a legal practice being sited next to an ale bar in this particular retail area. The visual impression and the reputation of the practice is likely to be diminished by the appearance of the ale bar.

## **CONSULTATION**

The following consultation responses have been received in relation to the proposal:

**Highways and Transportation:** No objection or condition suggested

**Public Health and Protection:** No objection subject to conditions relating to hours of operation, noise, dust and waste.

**Welsh Water:** No objection subject to condition relating to surface water drainage.

## **POLICY CONTEXT**

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

The application site is located in the Southern Strategy Area and within the defined settlement boundary. It is located within the Principal Town of Pontypridd and within the Pontypridd Town Conservation Area. The following policies are considered to be relevant to this application:

#### *Core Policies*

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

#### *Area Wide Policies*

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported 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 AW7** - states that development proposals which impact upon sites of architectural and/or historical merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

### *Southern Strategy Area Policies*

**Policy SSA1** - sets out criteria from development proposals in the Principal Town of Pontypridd.

**Policy SSA16** - sets out the retail hierarchy in the Southern Strategy Area and identifies Pontypridd as a Principal Town Centre. It also supports proposals for retail development inside the defined settlement boundary which would maintain or enhance the centre's position in the retail hierarchy.

**Policy SSA17** - supports new and improved retail (Class A) facilities within town centres and within the retail centre Pontypridd.

### **Supplementary Planning Guidance**

Design and Placemaking

The Historic Built Environment

Design in Town Centres

Access Circulation and Parking

Shopfront Design

### **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 24<sup>th</sup> 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), WGs 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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;

## **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 site is located inside the defined settlement boundary and within the defined retail centre of Pontypridd town centre. It is therefore considered to be situated within a highly sustainable location and the proposal would comply with the key sustainability objectives of Policy AW2.

Policy SSA16 sets out the retail hierarchy of retail centres in the Southern Strategy Area of Rhondda Cynon Taf and it identifies the town of Pontypridd as a Principal Town which is expected to perform as a sub-regional role. The policy encourages retail uses (Class A) within town centres that would maintain or enhance a centre's position in the retail hierarchy. The proposed craft ale and cocktail bar would fall within the A3 Use Class and would therefore generally be supported by Policy SSA16.

Policy SSA1 supports commercial development within the defined town centre of Pontypridd, providing that the development would reinforce the role of Pontypridd as a Principal Town. It states that proposals that would result in the loss of retail and commercial units will not be supported. The proposal would not result in the loss of a retail unit but would ensure its re-use for commercial purposes, thereby reinforcing the role of the town.

Policy SSA17 seeks to ensure that the proportion of Class A2 and A3 units does not rise above 25% of the frontage length of the defined primary shopping area. However, this particular site is located off the main shopping street and does not form part of the defined primary shopping area. The 25% restriction therefore does not apply in this instance. However, in saying this, it is noted that the majority of units within the town are within Use Class A1 (48.3%) with A2 and A3 uses accounting for 11.8% and 15.8% of units respectively. It is therefore not considered that the provision of an additional A3 unit would detract from the established retail character of the town.

Policy SSA17 also seeks to ensure that the proposed use would provide a direct service to visiting members of the general public and generate sufficient day time and evening pedestrian activity to avoid creating an area of relative inactivity in the shopping area. Details submitted with the application indicate that the use would be open from 11am until 11pm which would provide an active frontage during the day and the evening and which would inevitably add to the vitality of the centre by attracting customers and increasing footfall to this part of the town. The previous use of the unit was an army surplus shop (Use Class A1) which is likely to have had opening hours limited to daytime hours only. The proposal would therefore increase the potential footfall in this part of the town and would subsequently benefit other nearby convenience (food) uses during the evening. It is therefore considered that the proposed use would add to the vitality and viability of the town.

The proposal would also comply with other aspects of Policy SSA17 in that the existing shop front with its display function and entrance onto Market Street would be retained. This also does not prejudice the effective use of the upper floors with the separate access door also being retained.

Policy CS2 seeks to promote sustainable growth within the Southern Strategy Area by focusing development with defined settlement boundaries and by promoting the reuse of under used and previously development land and buildings. It is noted that the previous army surplus closed down and it is therefore considered that the proposed change of use would therefore make a valuable contribution to the local area by reusing a vacant and underused building. It is noted that the most recent retail survey undertaken by the Council (January 2020) reveals that the town of Pontypridd has a vacancy rate of 13.3%. The proposed change of use would therefore ensure that this figure would not be increased.

In light of the above, it is considered that the proposed change of use would be compliant with the relevant policies set out in both the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales and the development is therefore considered acceptable in principle, subject to an assessment of the criteria set out below.

### **Impact on the character and appearance of Pontypridd Town Conservation Area and surrounding area**

The proposal would not result in any significant alterations to the external fabric of the building and the existing shop front is proposed to be retained. It is noted a new roller shutter door has been installed in front of the main entrance door and there is significant concern with regards to the impact that this has on the character and

appearance of the surrounding conservation area. Whilst it is noted that there are other roller shutter doors visible throughout the wider conservation area, these are typically more appropriately designed (i.e. internally fitted). It is recommended that a condition is imposed, should Members resolve to approve the application, to ensure that the roller shutter door is removed and for details of a more appropriately designed structure to be submitted for approval.

Notwithstanding the roller shutter door, the overall visual appearance of the building would remain the same and it is therefore considered that the proposal would preserve the character and appearance of the site and the surrounding conservation.

### **Impact on residential amenity and privacy**

The application site is located within Pontypridd town centre which is predominantly characterised by commercial properties and it is considered that A3 uses such as the craft ale and cocktail bar proposed are better suited to such locations. However, it is noted that there are a number of residential flats above shops in the town and it is therefore important to consider the potential impact of the proposal upon the amenity of nearby occupiers.

Firstly, the proposal would not result in any significant changes to the external appearance of the building and no building works would be required to extend the footprint or height of the application property. It would therefore not result in any additional overbearing, overshadowing or overlooking impact than the current situation.

It is noted that the proposed A3 use would, due to its nature and later opening hours, result in a greater degree of noise and disturbance than the previous retail shop. However, the application property is located within a retail centre in which there is a variety of commercial properties, including other A3 establishments with similar hours of opening to those proposed, and a greater degree of activity is therefore to be expected throughout the day and night. Indeed, it is considered that existing residents and neighbouring occupiers would already be accustomed to the activity associated with this town centre location. Furthermore, there are other A3 establishments along Market Street with similar characteristics to the bar proposed (Alfreds Bar and Grill and Blueberries) and it is not considered that a further A3 use in this part of the town will significantly alter the current level of noise and disturbance with customer comings and goings being similar to other establishments along Market Street.

One letter of objection has been received from a nearby business which raises concern with regards to the suitability of a craft ale and cocktail bar in this particular location, given that there are professional services located in the immediate vicinity. Whilst the concerns raised by the objector are noted in this respect, town centres are typically characterised by a mix of uses with shops, professional services and food and drink establishments being located in close proximity of each other. It is also noted that a number of temporary chairs and tables are put outside for patrons of the bar to use which inevitably has some impact on other commercial units as well as the public highway. It should be noted that in response to the Covid 19 pandemic, the Welsh Government temporarily relaxed planning controls through the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country

Planning (General Permitted Development) (Amendment)(No. 2) (Wales) Order 2021 (“the Amendment Order”) came into force on 30 April 2020. Class F, Part 4a of the Amendment Order relates to hospitality uses and outdoor servery provision and permits the use of the highway adjacent to premises falling within Class A3 (food and drink) for the purposes of selling or serving food or drink supplied from those premises, or consuming food or drink supplied from those premises. The Order also permits the placement of removeable furniture to facilitate the use. The applicant would need to obtain separate permission from the highway authority and comply with any conditions in order for the use to be considered permitted development. Any issues with obstructions to other premises would therefore be a private matter.

Whilst the concerns raised by the objector are acknowledged, the site is situated within a town centre location where such A3 establishments are commonly found alongside other commercial uses and the proposal is considered to be acceptable in this regard.

### **Access and highway safety**

The proposal has been assessed by the Council’s Highways and Transportation section in order to determine its potential impact upon highway safety in the vicinity of the site. The response received indicates that there is no objection to the proposal and no conditions have been recommended. The comments received are summarised as follows:

The primary means of access to the proposed bar would be served off Market Street, which is a pedestrian zone and restricted one way street within the town centre of Pontypridd. Whilst there is some concern that there is limited on-street parking in the area, the proposed change of use decreases the parking requirement of the property and there is space within Market Street for servicing to take place, as per the adjacent shops/retail premises. Furthermore, there is a public car park within walking distance of the site and the surrounding area is a highly sustainable location with a range of sustainable transport options in the vicinity.

Taking the comments received from the highways officer into account, the proposal is considered to be acceptable in this regard.

### **Other Issues:**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

### **Public Health**

It is noted the Public Health and Protection division have not raised any objection to the proposal however, a number of conditions have been recommended in relation to hours of operation, noise, dust and waste during the construction process. It is considered that these issues are more appropriately dealt with by separate environmental health legislation and it is therefore not considered necessary to duplicate the issues by imposing planning conditions in this respect.



## **Other issues raised by objector**

The following comments are offered for issues raised by the objector that are not addressed in the sections above:

The objector suggests that the toilet provisions for the premises are unclear and concern is raised that patron will wish to avail themselves in alleyways, streets and doorways. The plans indicate that a washroom/WC would be provided inside the establishment and the statement made by the objector is therefore speculation rather than fact. This is therefore not a material planning consideration and cannot be used to refuse the planning application.

The objector also indicates that the premises will have to be able to safely store materials such as bottled nitrogen and carbon dioxide which they claim is a risk to surrounding businesses. This would not fall within the remit of planning and the applicant would need to ensure that all health and safety guidelines are followed, and any necessary licenses applied for. In any case, the application property is considered to be small-scale and is therefore unlikely to result in any greater risk to surrounding businesses than any other A3 establishment in the area. Public Health have not raised any objections or concerns in relation to either of these issues.

## **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 application site is located within the Principal Town of Pontypridd where the principle of an A3 use is considered to be acceptable. The proposed use of the unit as a craft ale and cocktail bar would add to the vitality and viability of the town by attracting footfall to this area of the town during the day and the night, thereby contributing to the daytime and evening economy of the town.

The proposal would not result in any significant alterations to the external fabric of the existing building and it is not considered that it would have an adverse impact upon the character and appearance of the site or the surrounding conservation area.

Furthermore, the proposed hours of opening are considered to be reasonable and it is not considered that the proposal would have any additional impact upon the amenity of surrounding commercial and residential occupiers than that already experienced as a result of its town centre location and the location of similar establishments in the vicinity.

## **RECOMMENDATION: Grant**

1. The use hereby permitted shall not be operated from the premises except between the hours of:

- Monday to Sunday (including Bank Holidays): 11:00-23:00

Reason: To ensure that the noise emitted from the 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.

2. Within 1 month of the date of this permission, the roller shutter door that has been installed to the front of the property shall be removed and details of an alternative structure shall be submitted to and approved in writing by the Local Planning Authority. The alternative structure shall be installed and maintained in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the site or surrounding conservation area, in accordance with Policy AW7 Rhondda Cynon Taf Local Development Plan.