

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1641/10 (JE)
APPLICANT: Mr M Williams
DEVELOPMENT: Rebuild of rear extension, installation of new front entrance door, raising the ridge height, creation of enclosed yard area and general refurbishment of property.
LOCATION: FORMER BUTE ARMS, LLANTRISANT ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9DP
DATE REGISTERED: 08/02/2022
ELECTORAL DIVISION: Pontyclun Central

RECOMMENDATION: APPROVE

REASONS: The works would improve a tired and dated existing commercial property within the village's retail centre, bringing it back into beneficial use which will generate footfall both during the day and evening, improving the vitality and viability of the centre. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, impact upon amenity, highway safety and ecology.

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 rebuild of the rear extension, installation of new front entrance door, the raising of the roof height, creation of an enclosed yard area and general refurbishment of the property at the Former Bute Arms, Llantisant Road, Pontyclun.

The proposed rear extension is located at the site of a previous extension/addition which has been partially demolished other than the northern boundary wall at ground floor level and the rear most area towards the access lane. On the ground floor the

proposed extension would be fully enclosed whilst on first floor the extension would be narrower in depth and include a roof terrace.

The new entrance door would be located centrally within the eastern elevation facing Llantrisant Road utilising an existing window opening. The entrance door would serve the takeaway counter with the existing entrance proposed to serve the restaurant.

The increased ridge height of the property relates to the main roof structure of the property which has been raised approximately 0.5 metres in height.

The enclosed yard area would be located towards the rear of the property towards the junction of Station Approach and the unnamed rear lane. This area would be enclosed by 1.8 metre high feather edge timber fencing.

The general refurbishment of the property consists of the conversion of the public house to a restaurant with associated takeaway counter and fish counter.

SITE APPRAISAL

The application site is a prominent building that historically operated as the Bute Arms Public House, located within the Local and Neighbourhood Centre of Pontyclun. The property is an end of terrace building located at the junction of Llantrisant Road, the main highway through Pontyclun, and Station Approach which provides access to Pontyclun Railway Station. The main structure is traditional in appearance being finished in Pennant Stone with brick window surrounds. At the time of the Officer's site visit significant works had commenced at the property with the framework and roof of the proposed rear extension in place; the increase to the roof height already undertaken; and the opening for the new entrance door already installed.

The surrounding area consists of Pontyclun Train Station 50 metres to the south west, the Brunel Arms 10 metres to the west, the attached property 3 Llantrisant Road which operates as a hot food takeaway directly to the north, the Windsor Public House 25 metres to the east, and the main retail centre of Pontyclun to the south.

PLANNING HISTORY

There are no recent planning applications on record associated with this site.

PUBLICITY

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

2 letters of objection have been received following consultation; the points have been raised summarised below:

- Works have commenced without planning permission.

- Building works have restricted access along Llantrisant Road, Station Approach and Bute Lane.
- Parking issues created by the proposed use.
- Impact upon the amenity of surrounding neighbouring properties.
- Close proximity to a number of existing licensed premises.
- Raised roof height would result in an impact to amenity and visual outlook.
- Surface water from the proposed development will be directed towards no.3 Llantrisant Road.
- Structural damage to neighbouring property.

CONSULTATION

Highways and Transportation: No objection raised or conditions suggested.

Public Health and Protection: No objection subject to conditions.

Dwr Cymru Welsh Water: No objection.

Countryside (Ecology): No objection although condition recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The current LDP's lifespan was 2011 to 2021. It has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Pontyclun and is located within the retail centre of Pontyclun.

Policy CS2 – sets out the criteria for development 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 placemaking, including landscaping.

Policy AW8 – only permits new development where it is shown that there will be no harm to locally designated sites or an unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW10 – does not permit development proposals where they would cause or result in an unacceptable risk of harm to health and/or local amenity.

Policy SSA16.3 – sets out the hierarchy of retail centres in the Southern Strategy Area. Pontyclun is defined as a local and neighbourhood centre by the policy. The policy goes on to state that proposals for retail development or changes of use within defined boundaries which would maintain or enhance a centre's position in the retail hierarchy will be permitted.

Supplementary Planning Guidance

- Design & Placemaking
- Design in Town Centres
- Access, Circulation & Parking

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) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

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 national policy guidance considered:

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 seeks permission for the retention and completion of an extension and other external works at an existing commercial property within the retail centre and settlement boundary of Pontyclun.

Whilst the resulting renovation will result in the building changing from a public house to a restaurant, both uses fall within Class A3 and therefore no change of use would take place.

The works would simply improve a tired and dated existing commercial property within the village's retail centre, bringing it back into beneficial use which will generate footfall both during the day and evening, improving the vitality and viability of the centre.

As such, the principle of development is considered acceptable subject to the below criteria.

Impact on the character and appearance of the area

By virtue of its design and scale, the proposed extension is considered to form an attractive and sympathetic addition to the property. The extension would be similar in scale to the previous extension and is therefore unlikely to result in a dominant feature within the surrounding area. In addition, the previous extension was rundown in appearance, and it is considered that the replacement would result in a positive impact upon the appearance of the property.

With regard to the increased roof height, when considering the scale of the property and the fact that the original roof design did not match that of the attached property, no.3 Llantrisant Road (it was considerably higher), it is not considered an increase of 0.5 metres is readily noticeably in the context of the site or results in any adverse impact upon the character and appearance of the property. Furthermore, the

increased roof height also appears in-keeping with surrounding end of terrace properties in the area which are generally larger in scale and height compared to other properties within the row.

Other works such as the creation of the new entrance door and rear enclosure are not considered to result in any significant impact upon the overall character and appearance of the property.

As such, it is considered that the proposals will not detract from the character or appearance of the building or the surrounding area and are considered acceptable in this regard.

Impact on residential amenity and privacy

Whilst the objectors have raised concern with regard to the impact upon the amenity of neighbouring occupiers associated with the proposed use, this application does not seek to change the existing Class A3 use of the property which has historically operated as a public house. Therefore, whilst these concerns are acknowledged, any impact arising from the change in operation cannot be considered during the determination of this application.

With regard to the increased roof height which has been noted as resulting in an overbearing impact and a loss of visual amenity by the objectors, the increase of only 0.5 metres is considered to be relatively minor in nature and when considering that the extension largely replaces a similar previous extension at the property, it is not considered any impact upon neighbouring occupiers would be significantly more than previous levels experienced. Furthermore, it is also noted that the majority of neighbouring properties within the vicinity are commercial in nature.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety and Parking Provision

The objectors raised concern with regard to the parking demand created by the proposal. The Council's Highways and 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:

As an established public house within a sustainable area, the property both before and after its alteration relied / will rely entirely on an open pedestrianised entrance and egress, with no dedicated off-street parking provision in evidence.

As a proposed restaurant of some 600sqm, this lack of parking provision is a major point of concern. However, the proposal is located centrally within Pontyclun, with good rail and bus links and in an inherently sustainable location. In addition, there are

also several public car parks within walking distance of the establishment. As such no objections are raised or conditions suggested.

Taking the above into account, the application is considered acceptable in this regard.

Public Health & Protection

Given the proposed use, the Council's Public Health and Protection Division have noted that there is a potential for issues to arise in respect of noise, smell and waste disturbances however no details have been submitted with the application in this respect. It is advised however that these issues can be overcome through the installation of specialist extraction equipment and therefore no objections have been raised subject to conditions being added to any consent to control odour and food waste.

The Public Health and Protection Division also recommended a number of conditions in relation to construction noise, waste and dust. Whilst these comments are noted, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary.

Ecology

Members should note that given the nature of the works, significant loft and roof works, ordinarily a Preliminary Ecology Assessment (PEA) would have been required for this application. However, the removal of the roof had taken place prior to the submission of the planning application and therefore the Council's Ecologist set out that a PEA would no longer be required. Nevertheless, to ensure that the development results in a positive impact upon biodiversity in-line with Planning Policy Wales, a condition has been recommended below to require the submission of biodiversity enhancement measures as requested by the Council's Ecologist.

Other issues raised by objectors

The objectors set out that the proposed development is in close proximity to a number of existing licenced properties and that the cumulative impact could have an adverse impact. Whilst this fact is not disputed, the application property benefits from a longstanding Class A3 use established by the previous use as a Public House. Therefore, no change of use is proposed as part of this application and the concentration of such uses is not a consideration of this application.

Also raised within the letters of objection are concerns associated with structural damage to neighbouring properties and the discharge of rainwater into a neighbouring property. Whilst these points are noted, these are civil matters between the relevant parties and do not form material planning considerations. Consequently, they cannot be taken into account during the consideration of this application.

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 works would improve a tired and dated existing commercial property within the village's retail centre, bringing it back into beneficial use which will generate footfall both during the day and evening, improving the vitality and viability of the centre. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, impact upon amenity, highway safety and ecology.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plans
 - Drawing No. 1 Rev B – Received 04/02/22
 - Drawing No. 2 Rev B – Received 08/02/22,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.

2. Prior to the restaurant, the works to which this consent relates, being brought into beneficial use, details of a flu/extraction system, including equipment designed to control the emission of fumes and odour from the premises, together with details of any provisions to reduce its operating noise, shall be submitted to and approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved scheme prior to beneficial use and shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

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

3. Prior to the restaurant, the works to which this consent relates, being brought into beneficial use, details of a system designed to prevent cooking oil, fat, grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. All

equipment shall be installed in accordance with the approved scheme prior to beneficial use and shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

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

4. Details of site ecology mitigation, including a minimum of no.3 swift bricks, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented at the site prior to beneficial use and retained in perpetuity.

Reason: To ensure that the development results in a net gain of biodiversity in accordance with Planning Policy Wales Edition 11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.