

PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0549/10 (JE)
APPLICANT: Stonegate PLC
DEVELOPMENT: Removal of existing smoking shelter and extension of existing external drinking area.
LOCATION: LION HOTEL, BUTE STREET, TREORCHY, CF42 6AH
DATE REGISTERED: 04/05/2022
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: APPROVE

REASONS:

The works would improve an existing commercial property within the retail centre for Treorchy, which will generate footfall both during the day and evening. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and impact upon residential amenity.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee as it proposes works to a public house. As such, the proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the extension of an existing external drinking area at the Lion Hotel, Bute Street, Treorchy. The extension to the drinking area would be located within the beer garden to the rear of the property and would see the existing smoking shelter located towards the eastern boundary removed and replaced by the proposal.

The proposal would adjoin the existing structure on its western side and would measure a width of 5.1 metres and would protrude outwards to a depth of 3.5 metres.

The proposed extension would have a flat roof design to tie into the existing drinking area measuring a height of 3 metres.

SITE APPRAISAL

The application site relates to a Public House known as the Lion Hotel within the town centre of Treorchy. The property is located on the main high street and highway through Treorchy and occupies a prominent location on the corner of Glynoli Road. To the front, the site benefits from an enclosed outside area with a larger beer garden to the rear. Within the rear beer garden, the property benefits from an existing covered drinking area and smoking shelter with the remainder of the area beyond accommodating various seating.

The area surrounding the site consists of commercial properties along Bute Street and High Street with areas to the north and east residential in nature and characterised by traditional terraced properties.

PLANNING HISTORY

There are no planning applications on record associated with the application site.

PUBLICITY

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

No letters of objection have been received following consultation.

CONSULTATION

Public Health and Protection: No objection although conditions suggested in relation to hours of construction, noise, dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that 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, Members

are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary and is also located within retail centre for Treorchy.

Policy CS1 - sets out criteria for achieving sustainable growth in the Northern Strategy Area.

Policy AW2 – supports development in sustainable location

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

Policy NSA2 - sets out that proposals for commercial development within the key settlement of Treorchy will be supported where the development supports and reinforces the role of the centre.

Policy NSA18 – identifies the retail hierarchy for the Northern Strategy Area with Treorchy being classed as a Key Settlement.

Policy NSA19 – states that new and improved retail facilities and other appropriate uses will be permitted in Principal town centre subject to certain criteria.

Supplementary Planning Guidance

- Design and Placemaking
- Design in Town Centres

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.

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 policy guidance considered:

PPW Technical Advice Note 4 – Retail and Commercial Development

PPW Technical Advice Note 12 – Design

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 an extension to an existing covered drinking area at an established public house within the settlement boundary and retail centre for Treorchy. As such, the principle of development is therefore acceptable subject to the criteria set out below.

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 public house. The extension would be similar in scale to the existing covered drinking area to which it would adjoin, and it is therefore unlikely to result in a dominant feature within the surrounding area. In addition, it is considered that the replacement of the smoking shelter with the proposed structure would result in a positive impact upon the appearance of the property.

Whilst some views of the proposal would be possible from surrounding properties and the highway at Glyncoli Close. Members are advised that the existing boundary treatments along the eastern boundary of the beer garden screen the majority the structure from view. As such, it is not considered the proposed extension, given its siting and dimensions, would form a feature that would be widely visible from outside of the immediate vicinity.

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

Impact on residential amenity and privacy

With the extension to the existing drinking area being located at the site of an existing smoking shelter within the beer garden, it is not considered that the proposal would see any increase in noise and disturbance experienced by neighbouring occupiers with no enlargement or increase in the footprint of the beer garden.

With regard to the scale and siting of the structure taking into account its height of 3 metres and the relationship with neighbouring properties separated by a minimum of 10 metres to the east and north, it is not considered that the proposed structure would result in any adverse overbearing impact.

It is also noted that no letters of objecting were received following consultation with surrounding residents. As such, the application is considered acceptable in this regard.

Public Health and Protection

No objections have been received from the Council's Public Health and Protection Division following consultation. They did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, 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 and an appropriate note highlighting them would be sufficient instead.

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 an existing commercial property within the retail centre for Treorchy, which will generate footfall both during the day and evening. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and impact upon residential amenity.

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

- Drawing No. 221

and documents received by the Local Planning Authority on 04/05/22, 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.