



PLANNING & DEVELOPMENT COMMITTEE

15 MARCH 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/0890/10 (BJW)
APPLICANT: V W Estate Ltd
DEVELOPMENT: Change of use of domestic garden to additional area serving non-domestic use for hotel/bistro and also the erection of a bicycle storage unit at the rear. (Amended description received 04/10/17, amended drawings received 04/10/17 and 10/10/17).
LOCATION: **CARDIFF ARMS HOTEL, BUTE STREET, TREORCHY, CF42 6BS**
DATE REGISTERED: 08/11/2017
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: Approve

REASONS:

Following clarification by the applicant's agent, the proposed external works would be provided to allow the storing of bicycles at the premises, broadening the appeal of the property to potential customers.

It is considered that the works would be in keeping with the character and appearance of the surrounding area and, subject to appropriate conditions, would not adversely impact on the amenity of neighbouring properties.

The facility would allow the storage of patrons bicycles at the premises and would cater for a broader clientele improving both the vitality and vitality of the property and the retail centre of Treorchy as a whole.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objections have been received.

APPLICATION DETAILS

The application seeks consent for the change of use of the rear courtyard area to bicycle storage and including a bicycle store at the Cardiff Arms Hotel, Bute Street, Treorchy.

Specifically, the application seeks the following works:

- Installation of a bicycle store measuring 4.45m in width by 3.7m in depth by 2.1m in height. The store would be of a powder coated steel construction with colours to be agreed by the Council.
- A 1.8m high close boarded fence between the rear courtyard area and the adjacent neighbouring property, 41 Bute Street, Treorchy

Due to the initial confusion around the proposed use of the rear courtyard area, the applicant has confirmed that the area would be used for bicycle storage with a lockable shed-type building for the secure storage of bicycles.

SITE APPRAISAL

The application site consists of the rear courtyard area of the Cardiff Arms Hotel, which is prominently located on the junction of Bute Street and Cemetery Road on the main route through the built up area of Treorchy.

The building is centrally located and falls within a defined retail centre of the Local Development Plan. The large, three-storey building (including the useable roof space) appears as a distinctive and characteristic building of the Victorian era. It is notable for its design, scale and use of materials with contrasting render and red brick dressing to its most prominent elevations.

To the rear of the main building is an original stable block that benefits from contrasting stone elevations. The ground floor of the building has previously been upgraded and remained open as a public house. There is an enclosed yard area to the rear of the building and an open seating/beer garden area directly to the front of the building.

PLANNING HISTORY

17/0454	Cardiff Arms Hotel, Treorchy.	Modifications to the rear annexe and general refurbishments to facilitate change of use from the existing Public House with 13 Hotel rooms (Use Class A3 + C1) to a mixed use to include a bistro café, restaurant (Use Class A3), retention of the Hotel rooms, bakery (A1) and micro brewery (B2).	Granted 12/09/17
15/0017	Cardiff Arms Hotel, Treorchy.	Rear extension and refurbishment. Works to include increase in number of hotel rooms to 13 and alterations to ground	Granted 09/03/15

floor bar area and the erection of a low boundary wall around the front beer garden area (Resubmission).

12/1303	Cardiff Arms Hotel, Treorchy.	Rear extension with internal and external refurbishment (works to include increase in number of hotel rooms to 13 and alterations to ground floor bar area and the erection of a low boundary wall around the front beer garden area)(Amended Plan Received 15/05/2014)	Refused 02/07/14
89/0794	Cardiff Arms Hotel, Treorchy.	Proposed internal alterations and conversion of living room into kitchen in licensed premises	Granted 28/12/89
89/0634	Cardiff Arms Hotel, Treorchy.	Proposed alterations to bar and new women's lavatory	Granted 04/09/89

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. Five responses have been received, the main points of which are detailed below:

1. Concerns that the area will be restricted to storage only as my family enjoy the use of our rear garden.
2. Concerns that the area should not be allowed to be used as a beer garden in the future.
3. Concerns over access to the storage for the proposed brewery which has flammable products.
4. Increased levels of noise if the use of the outside area is brought closer to our property.
5. Problems with using the rear lane to access existing garages due to the works being carried out and the use of the courtyard area.

CONSULTATION

Transportation Section – proposal has no detrimental impact on highway or pedestrian safety and is therefore considered acceptable.

Land Reclamation and Engineering (Drainage) – no objection, subject to a condition in relation to drainage matters.

Public Health and Protection Division – no objection. However concerns are raised to the possible future use of the courtyard area as an outside drinking area. In order to control the use of this area, the Public Health Team would support the Planning Department in imposing a condition restricting use of the garden to exclude such a use.

Natural Resources Wales (NRW) – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary of Treorchy and is within the retail area of a Key Settlement (Treorchy - Policies NSA18.2 and NSA19 refers).

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - supports development in sustainable locations.

Policy AW5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW6 - lists design and place making criteria that will be supported in new development proposals.

Policy NSA18.2 - designates the area as within the retail centre of a Key Settlement (Treorchy) and supports development that would maintain or enhance a centre's position in the retail hierarchy.

Policy NSA19 – states that proposals for Class A1, A2 and A3 uses in retail centres will be permitted provided that they add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy.

National Guidance

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 7 (Economic Development) and Chapter 10 (Planning for Retail and Town Centres).

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 current application is for the installation of a bike store within the courtyard of the premises, The Cardiff Arms, which is currently being renovated by virtue of planning consent 17/0454/10.

The applicant has clarified that the rear courtyard area would not be used as a beer garden or as an external recreation area associated with the public house/hotel or the other ancillary uses approved by the existing consent (bakery, micro-brewery). The use would be for bicycle storage by way of a secure storage building and an open yard area with a fence between adjacent properties.

It is considered that the principle of the use of the land for this purpose is acceptable. The other implications of the proposal will be more fully considered later within the report.

Impact on the retail centre of a Key Settlement (Treorchy)

The site is within a retail centre of a Key Settlement, the town of Treorchy. As such developments for retail units and other uses should enhance or maintain the centre's position within the retail hierarchy.

While admittedly a minor element of the site, it is considered that the proposal would broaden the appeal of visitors and customers to the main property by catering for the needs of cyclists.

Consequently, it is considered that the proposal would positively meet the requirements of the policy for the retail centre and maintain and enhance the centre's position in the retail hierarchy and is acceptable.

Impact on neighbouring properties

Concerns have been raised over the perceived use of the rear courtyard area which it was feared, due to the previous description, could be used as a beer garden or other outside recreation area.

However, this matter has been clarified with the applicant and the description is now clear in its intention of what is being proposed. It is considered that the use of the

courtyard for bicycle storage would not have an additionally detrimental impact in terms of the amenity of neighbouring properties.

It is acknowledged that the proposal would bring the activities of the bike store closer to neighbouring properties, however, it is not considered that these would be unduly noisy or cause issues of disturbance to neighbouring properties.

Consequently, it is considered that the proposal is acceptable in this regard.

Effect on the visual amenity of the area

The bike store would be of an acceptable scale and appearance that would not have a detrimental impact on adjoining properties or the visual amenity of the area.

The store would be of a utilitarian appearance, commensurate with its purpose and would be of a height that would not be overbearing to neighbouring properties or out of keeping with the character and appearance of the area.

Having regard to the above it is considered that the application is acceptable in this respect.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds. This view acknowledges that the proposal has no detrimental impact on highway or pedestrian safety and is therefore considered acceptable.

The issues regarding concerns over access to existing garages and highway issues are acknowledged. However, it is considered that access to existing premises are a private matter between the parties involved and any difficulties experienced are best remedied by the police authority.

Other issues

The responses received from neighbouring properties are acknowledged and the following comments are offered:

The use of the area has been clarified as for the storage of bicycles and there is no recourse to change this to a beer garden or outside recreation area without the submission of a further planning application. It is not considered that the activity proposed would have a detrimental impact on neighbouring properties due to increased levels of noise and/or disturbance.

There is no indication that the proposal would restrict the use of existing garages within the rear access lane and any difficulties that are occasioned would be a police matter.

Community Infrastructure Levy (CIL)

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 liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application is considered to be acceptable in terms of its impact on the amenities of neighbouring residential properties, its effect on the retail centre of a key settlement (Treorchy), the visual amenity of the area and highway safety considerations in accordance with Local Development Plan Policies (AW5, AW6, AW10, NSA18.2 and NSA19).

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) no(s)

Proposed Location and Block Plan, Ref RCT148, Drawing No. 002, Revision B.

Proposed Bicycle Storage Building, Ref RCT 148, Drawing No. 302.

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 use of the rear courtyard and bicycle storage unit hereby approved shall be restricted to bicycle storage ancillary to the use of the Cardiff Arms premises and for no other purpose.

Reason: In order to protect the privacy and amenity of neighbouring properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until samples of the materials

proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The development hereby approved shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.