

PLANNING & DEVELOPMENT COMMITTEE

5 APRIL 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/1143/10 (GH)
APPLICANT: Ty-Bont
DEVELOPMENT: Timber decking to rear (smoking area), timber decking to front plus facilities for beer garden.
LOCATION: JAC'S ABERDARE, BRYNGOLWG HOUSE, WIND STREET, ABERDARE, CF44 7LL
DATE REGISTERED: 12/02/2018
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: GRANT

REASONS:

The decking and pergola structures constructed to the front and rear of the site are of an acceptable design and are neither of a scale or position that would cause detriment to the privacy, amenity or outlook of neighbouring residents; nor would be visible from the public realm.

Consequently the proposals are considered to be in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

Noting that both Aberdare West Ward Members have indicated concerns about a potential conflict of interest, Councillor Sharon Rees has requested this application to be determined by Committee on behalf of residents, due to concerns about loss of amenity to neighbouring properties.

APPLICATION DETAILS

Full planning consent is sought to retain two recently constructed sections of timber decking at the licensed premises known as Jac's Aberdare, Bryngolwg House, Wind Street.

The decking to the rear of the site has been added to an existing section of decking which has been repaired to match the newer part. This extends to a width of 4m and depth of 3.3m, and excluding a decorative balustrade to the front, reaches a maximum height of less than 0.3m.

At the front, where adjacent with and attached to the walled boundary with Wind Street, the deck has been constructed to a width of 8.1m, depth of approximately 3m and height off the ground of 0.18m. Its leading edge also has a decorative balustrade, but unlike that to the rear, an open pergola style roof of parallel trusses has been erected. This does not exceed a height of 2.5m.

Lastly, it is noted that all structures detailed above have been fabricated from treated softwood.

SITE APPRAISAL

The application property is a two-storey detached building on the north-eastern side of Wind Street, both within the settlement boundary and within the Town Centre Boundary of Aberdare. The building was previously pub known as the Shot and Shell, and until recently operated as 'Elliotts'.

The customer entrance to the public house is located on Wind Street. There are also secondary accesses, for both a vehicle and pedestrians, within the Wind Street boundary wall and which lead to an enclosed area where one of the decks has been constructed.

This front courtyard, used as a beer garden, is screened from the road by the tall stone boundary wall, and there is a smaller sitting out area to the rear used as a smoking area.

With the exception of the police station adjacent to the south-eastern boundary, the site is predominantly surrounded by Victorian residential properties of differing size and style, located along Wind Street and at Bute Street further to the east.

PLANNING HISTORY

The most recent applications on record associated with this site are:

12/0242/15	Variation of condition 2 of application 07/1366 (hours of operation) to allow an additional half hour operation of the ground floor of the premises.	Refuse 16/07/12
08/1433/10	Additional works associated with provision of ventilation duct work to side and roof of building.	Grant 12/01/09
08/0499/15	Variation of condition 2 of planning approval 05/1830/10 to change of use of first floor of private members club to public house.	Withdrawn by Applicant 15/08/08
08/0498/10	Additional works associated with provision of ventilation ductwork to side and roof of building (Amended elevation plan received 14/05/08).	Withdrawn by Applicant 16/06/08

07/1700/10	Construction of conservatory to rear ground floor level of public house.	Grant 27/11/07
07/1366/15	Variation of condition No. 4 of Planning Permission No 5/1830/10 to extend opening hours:- Sunday-Thursday until 23:30 hours (11:30 pm) and Friday and Saturday until 00:30 hours (00:30 am).	Grant 01/10/07
07/0493/15	Removal/variation of condition No. 4 of planning permission 05/1830/10. To extend opening hours Sunday-Tuesday until 11.30pm. Wednesday-Saturday until 12.30am. (re-submission).	Refuse 15/05/07
06/2006/10	Construction of conservatory to rear ground floor level of public house and minor revision to roof level at front.	Grant 15/01/07
06/1731/15	Removal/Variation of Condition No. 4 of Planning Approval 05/1830 to extend opening hours.	Refuse 24/10/06
06/0157/10	Demolition of first floor wc area and construction of new ground floor and first floor wc.	Grant 07/04/06

PUBLICITY

The application has been advertised by direct notification to thirty-five neighbouring properties.

Three letters of objection have been received from neighbouring properties, highlighting concerns about the noise and disturbance from the use of the premises and beer garden, and from customers leaving the premises. These matters are considered further below.

CONSULTATION

Highways

The proposal has no detriment to highway safety and is therefore acceptable

Public Health and Protection

Conditions in respect of noise, dust, waste and hours of construction are recommended, although given that the development is retrospective, these would be

considered unnecessary. However, it is proposed that informative notes, in respect of Smoke-free Premises Regulations, should be appended to any consent.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare

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 - supports development proposals which are not detrimental to public health or the environment

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 Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

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

Provided that the land in question falls within the curtilage of a public house planning unit, the use of an existing outside area, such as a car park, storage area, or garden,

for a beer garden, does not require planning permission. It is an accepted ancillary use.

Therefore, with regard to the recently erected beer garden structure either side of Bryngolwg House, the material matter for consideration is whether or not they are appropriate in appearance and if the structures themselves cause detriment to the amenity of neighbouring occupiers, rather than their potential use.

Hence these matters are considered further below and in principle therefore, the application to retain the decking and pergola is considered acceptable.

Impact on the character and appearance of the area

On account of the tall stone boundary wall and the elevations of the building, the site is well screened from the public realm. During the site visit it was clear that neither structure, nor the beer garden area surrounding them, could be seen from Wind Street.

In respect of the more immediate area around the premises, the decking structures are considered to be of a satisfactory design, use appropriate materials, and are not excessive in scale.

Consequently the development does not harm the appearance of the building or its curtilage and its visual impact is therefore acceptable.

Impact on neighbouring occupiers

It is accepted that the establishment of beer gardens at licensed premises can cause considerable amenity problems for neighbours, as a result of noise disturbance, and correspondence from residents has suggested that this is no different at the application site.

However, in general such disturbance is not considered to be from poor behaviour, which could be addressed as a Licensing or Police matter, but from the sound of customer activity, talking and laughing, being carried to neighbouring dwellings.

Although there is sympathy for the impact this has on the amenity of residents living in close proximity to the site, the provision of decking and in particular that adjacent to Wind Street must be set aside from these wider amenity concerns. The pub would need no consent to set out chairs, tables and the like within this space, which would have no less of an effect on noise issues.

As a generally low-level structure, with balustrade and pergola-like trusses above, the development does not create overlooking opportunities and in respect of the properties opposite and adjacent to it, is not detrimental to outlook.

Therefore, whilst the objectors' concerns are acknowledged, it is considered that in terms of the physical structures provided, the impact of the development on the amenity and privacy of neighbouring residents is acceptable.

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

It is considered that the development has little or no impact on the character of the surrounding area, being screened from the public realm. In addition, the wooden structures do not cause harm to the amenity of neighbouring residents. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW10).

RECOMMENDATION: GRANT