

DELEGATED REPORT

Application No: P/21/0121

Site Address: Antelope Hotel
83 High Street Caeharris
Dowlais
Merthyr Tydfil
CF48 3HB

Development: Erect canopy to the rear

Case Officer: David James

Site Visit: 27th April 2021

Application Expiry Date: 3rd June 2021

Consultation reply date expired: 3rd June 2021

APPLICATION SITE

The application site relates to a public house located on the High Street, in Caeharris, Dowlais. The site is bound by highways to the northwest and northeast, by a parking area to the southeast and undeveloped, grassed and vegetated land to the south. It is bound by dwellings to the southwest, and flats to the west.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a free-standing canopy in the existing rear 'beer garden' area of the public house. The proposed canopy would be located on the western side of the beer garden, close to the boundaries with the dwellings and flats. It would measure 11m wide by 9.2m in depth and would have a mono-pitched roof measuring a maximum of 3mm in height. The canopy would be constructed of a galvanised steel frame, with a polycarbonate roof.

PLANNING HISTORY

P/02/0199 New kennels to rear of property on site of previous storerooms.
Full Approval 10/07/02

P/18/0244 Change of use of first floor function room and toilet area to 6 no.
en-suite room lets and creation of parking bays in rear curtilage with
associated works
Full Approval 12.09.18

CONSULTATION

Environmental Health

No objection

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties, and notice was displayed in the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy SW13 – Protecting and Improving Local Community Facilities

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG 4 - Sustainable Design

SPG 5 - Nature and Development

PLANNING CONSIDERATIONS

Full planning permission is sought for the siting of a canopy/shelter within the existing rear beer garden of the Antelope Public House, situated on High Street in Caeharris, Dowlais. The key considerations in the determination of this application are the potential impact of the development upon the character and appearance of the existing building and the surrounding area, and the potential impacts upon the privacy and amenity of neighbouring properties.

In terms of visual amenity, the canopy would be somewhat screened by the public house building and the boundary walls and fences of the beer garden, as well as by the adjoining dwellings. It would not be visible from the street to the front, however it would be somewhat visible from the parking area to the side of the public house and from the rear gardens and windows of the surrounding dwellings and commercial buildings. It is acknowledged that the canopy would have a relatively large footprint (11 x 9.2m), although its height would not be considerable, being 2.7m at its lowest and 3m at its highest. It would not be a solid structure, which would serve to reduce its mass and bulk, when viewed from the surrounding area. It would be constructed of galvanised steel, with a polycarbonate roof, which is considered typical of this type of structure. Taking these factors into account it is not considered that the proposed canopy would have an unacceptable impact on the existing building, or the wider area, in terms of visual amenity.

Regard has also been given to the impact of the proposed development on the occupiers of the residential properties within the vicinity of the public house. In this respect, the greatest impact would be on the adjoining property of 84, High Street, to the north, which contains a number of flats. This has the potential to have an overbearing impact. However, the lowest part of the canopy (Elevation 3 on the submitted plans), measuring 2.7m in height, would be located adjacent to the rear boundary of this property. Additionally, a large annexe of the property has been constructed in close proximity to the rear boundary, and extends for the majority of its length. As such the proposed canopy would mainly be adjacent to the annexe and a narrow access path, being adjacent to the rear yard of number 84 for a maximum of 4m. Additionally, and as previously noted, the canopy would not be a solid structure, which would somewhat mitigate any overbearing impact.

The canopy would also be constructed in close proximity to the adjacent dwelling of 87, High Street, to the west. However, it would be set back from the shared boundary by at least 1.9m, and would be adjacent to only a short length of this dwelling's boundary (approximately 3m). Similarly, while it would be in close proximity to the shared boundary with 4, Dennithorne Close, also to the west, it would be set back by at least 1.8m, and would be adjacent to less than 1m of this dwelling's boundary, which tapers to a point, where it meets the boundary of the application site. Finally, the canopy would be located adjacent, to 2, Dennithorne Close, to the southwest. While it would be obliquely adjacent to almost the entire rear boundary of this property, it is noted that it would be slightly set back this dwelling has an outbuilding located adjacent to its rear boundary, extending its entire length. This would mitigate any potential overbearing impact.

Considering the above mitigating factors, and given the canopy's limited height and the open nature of its construction, it is not considered that it would result in any harmful impact in terms of overbearing impact. Similarly, and for the same reasons, it would result in any harmful impact in terms of overshadowing or loss of light, nor would it result in any loss of privacy.

While it is appreciated that the presence of the covered structure may lead to the area being used more intensively by the public house, which could lead to additional noise and disturbance, the area sits within the grounds of an existing beer garden. It should be noted that the Environmental Health Manager has not raised any objections to the scheme. As such, having regard to the above, the proposal would not have a detrimental impact on the amenities of those living nearby.

Policy SW13 seeks to protect and enhance the existing community facilities within the County Borough. The proposal would improve the use of the existing outdoor area of the public house, and increase the times and conditions (in terms of weather), when the outdoor area could be used. As such, it would enhance the existing community facility, and is therefore considered to comply with this policy.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Block Plans received 8th April 2021
Floor Plans received 8th April 2021
Elevations (1) received 8th April 2021
Elevations (2) received 8th April 2021

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

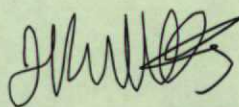
2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

3. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Public Health and Protection department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

7/6/21