

## **PLANNING & DEVELOPMENT COMMITTEE**

**07 September 2023**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0368/10 (GRD)  
**APPLICANT:** Ms C Dillon  
**DEVELOPMENT:** Change of use from function room to 4no bed & breakfast rooms  
**LOCATION:** PLOUGH INN PUBLIC HOUSE, LEWIS STREET, ABERAMAN, ABERDARE, CF44 6PY  
**DATE REGISTERED:** 30/03/2023  
**ELECTORAL DIVISION:** Aberaman

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**RECOMMENDATION:** Approve, Subject to conditions

#### **REASONS:**

The application site is in a sustainable location, within settlement boundary limits with good access to public transport, services, and facilities. It is not considered that the proposed use would conflict with surrounding uses and the proposal would provide additional holiday accommodation in the Northern Strategy Area and would support an existing business at the site.

Furthermore, the proposal would not be considered to impact upon the character and appearance of the site or upon the amenity and privacy of surrounding properties nor would it have any adverse impact upon highway safety in the vicinity of the site.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more objections have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the conversion of an existing function room at a public house to 4no. bed and breakfast rooms.

Internal alterations include the conversion of an existing ground floor function room and store towards the rear end of the public house to 4no. bed and breakfast bedrooms, each with ensuite facilities, along with a lobby and hallway.

External alterations would be contained to ground floor and include the installation of french doors and windows. The proposal also includes the construction of a 1.8m high

timber fence within the pub's rear curtilage to separate the bed and breakfast rooms from the existing 'beer garden' at the public house.

## **SITE APPRAISAL**

The application site relates to an existing public house located near the junction of Lewis Street and Cardiff Road in Aberaman. The public house faces the adjacent highway to the south. The property adjoins a neighbouring residential property to the west and is bound to the north and east by a neighbouring property and its associated curtilage and driveway. Other properties are located approx. 9m to the east, and 39m to the southwest of the public house.

The public house is well-established, and the application site relates to the public house itself along with a 'beer garden' positioned to the rear and side of the public house.

The application site is located within settlement boundary limits and within the retail centre of Aberaman. The surrounding area contains a mix of uses including retail and commercial units, and residential dwellings.

## **PLANNING HISTORY**

07/1708/10: PLOUGH INN, LEWIS STREET, ABERAMAN, ABERDARE, CF44 6PY: '*Smoking shelter*'. Granted, 27/11/2007

06/1986/10: PLOUGH INN, LEWIS STREET, ABERAMAN, ABERDARE, CF44 6PY: '*Install two white UPVC windows to first floor, decorate ex. ductwork over kitchen*'. Granted, 20/12/2006.

06/1973/01: PLOUGH INN, LEWIS STREET, ABERAMAN, ABERDARE, CF44 6PY: '*Additional Signs*'. Granted, 28/11/2006

05/0412/10: THE PLOUGH INN, 1 LEWIS STREET, ABERAMAN, ABERDARE: '*New extension to form garden lobby entrance, new kitchen and stairs to first floor, and form disabled toilet within building*'. Granted, 03/06/2005

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and through the erection of a site notices in the vicinity of the site. Letters of objection and concern have been received from four individuals. Points raised are summarised as follows:

- Concerns with parking issues and that the change of use could exacerbate problems;

- Lack of space for parking and that parking restrictions should be considered across the frontage of the pub.
- Concerns that the pub is located on a hazardous junction with vehicles parked on pavements;
- Concerns that there are existing traffic and parking problems at the site, and that the developers would have no control over vehicles belonging to customers of the site.

Objections received from two individuals were also received in relation to operations being undertaken at the public house itself:

- Noise pollution emanating from the site, along with other litter and nuisances caused by the public house;
- Objections in relation to a 'beer garden' at the public house;
- Customers of the public house blocking a neighbouring access gate;
- Concerns with the existing parking arrangements at the site.

Objections received from two individuals have also outlined concerns with works having been undertaken at the site without permission, and possible breaches of planning control:

- Concerns with a gate which has been installed at the site, which the objectors claim is a hidden fire exit which has been constructed opening onto a neighbouring driveway;
- Objections in relation to existing bed and breakfast rooms operating at the property;
- Objections with regards to a loft conversion at the public house;
- Objections that owners of the pub may be operating other businesses at the site;

A local member for the ward, Cllr. Evans has also raised concerns with regards to the application. Their concerns are in relation to parking and consider that there is no parking available for additional cars in the vicinity of the site, with cars already parked on the pavements causing numerous issues. Additionally, they have queried who would want to stay at the bed and breakfast rooms located so close to noise which emanates from the premises. The local member has also referred to a past proposal for housing homeless people at a property near the site, which they claim was refused due to its location on a 'school run'.

## **CONSULTATION:**

Local Highway Authority  
No Objections

Public Health & Protection

No Objections. Conditions and advisory notes recommended.

Dwr Cymru/ Welsh Water

No Objections. Condition and advisory notes recommended.

South Wales Fire and Rescue Service

No Objections. Advisory notes recommended.

## **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 is in the process of being reviewed. 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 relates to an existing public house that is located within settlement boundary limits. The site is also located within the Retail Centre of Aberaman. The following policies are relevant in the determination of this application:

**Policy CS1 (Development in the North):** sets out criteria for building strong, sustainable communities in the Northern Strategy Area.

**Policy AW2 (Sustainable Locations):** advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5 (New Development):** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 (Design and Placemaking):** requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

**Policy AW8 (Protection and Enhancement of the Natural Environment):** seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

**Policy AW10 (Environmental Protection and Public Health):** development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy AW11 (Existing Employment and Retail Uses):** sets out criteria for development proposals within the defined retail centres.

**Policy NSA18 (The Retail Hierarchy):** sets out the hierarchy of retail centres in the Northern Strategy Area and that proposals which maintain or enhance a centre's position in the retail hierarchy will be permitted.

### **Supplementary Planning Guidance**

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and 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) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also 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 relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

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 the change of use of a function room at an existing public house to 4no. bed and breakfast rooms.

The application site is located within settlement boundary limits and within the identified retail centre of Aberaman, in an area which contains commercial and residential uses. The site is located on a bus route, with a bus stop located directly opposite the application site and the site has good access to other shops and facilities. The application site is in a sustainable location and the proposed use of the site as bed and breakfast rooms would not be considered to conflict with surrounding uses.

The application site is also located within the identified retail centre of Aberaman. Policy AW11 of the Local Development Plan normally requires proposals which promote alternative uses for retail units within the defined retail centres to demonstrate that the site has been fully explored without success by way of marketing at a reasonable rate. However, in this instance it is not considered necessary, as the building would be retained as a functional public house with only the rear part of the building being proposed as bed and breakfast rooms. Furthermore, the establishment of 4no. bed and breakfast rooms at the site would support the existing business.

The proposed bed and breakfast rooms would also provide additional accommodation for tourists, which is compliant with Policy CS1 of the LDP which supports developments which encourages the tourism sector within the Northern Strategy Area.

Overall, the application site is located within settlement boundary limits and in a sustainable location. It is also considered that the proposed bed and breakfast rooms would support the existing public house business at the site and the principle of development is considered acceptable, subject to other normal planning considerations which are discussed in the following sections.

#### **Impact on the character and appearance of the area**

The proposal would not result in any major external alterations to the property. Some minor external alterations are proposed to the rear of the site, including the construction of a screening fence and new ground floor openings; however, these alterations would not be highly visible within the street scene and the works proposed would not be considered to alter or harm the general character of the site or wider area.

### **Impact on residential amenity and privacy**

New openings proposed would be contained to the ground floor of the property and would face the pub's rear 'beer garden' and a small courtyard at the site. No extensions are proposed, and it is not considered that the proposed development would adversely impact upon the amenities or privacy of neighbouring occupiers.

The rear part of the building is currently operated as a function room. The proposed 4no. bed and breakfast rooms would likely cause less noise and disturbance than that of a function room at a public house and the proposal would not be considered to significantly harm the amenities of neighbouring occupiers.

Whilst the proposed bed and breakfast rooms are considered acceptable as holiday accommodation, the rooms would fail to provide adequate space for people's full time living needs inside and outside and the site would not be considered suitable for general residential use or as someone's sole or main place of residence. As such, it is considered prudent to include a condition to restrict the use of the bed and breakfast rooms as holiday accommodation only.

### **Access and highway safety**

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received are summarised as follows:

#### Access

The property is served off Lewis Steet fronting its road junction with B4275 (Cardiff Road). Adjacent to the property are parking/ waiting restrictions in the form of white zig zag lines due to the nearby controlled pedestrian crossing.

The applicant proposes no alterations to the existing access arrangements which is considered acceptable.

#### Parking

The existing use of the public house has a parking requirement of 1 operation vehicle space and 1 space per 3 staff and 1 space per 5m<sup>2</sup> of public area including servery. However, the proposed change of use is for the function and storage room only, which

have a ground floor area of approximately 90m<sup>2</sup> which has a parking requirement of 18 spaces without taking staff into consideration.

The proposed change of use of the function room and store to 4no. bed and breakfast rooms have a parking requirement of 1 operation commercial vehicle space and non-operational requirement of 1 space per 3 non-residential staff and 1 space per bedroom. No details of the proposed employment have been submitted. However, the Local Highway Authority assume that there will be a maximum of 3 non-residential staff. Therefore, the proposal has a parking requirement of 5 spaces for residents and staff with none proposed. Commercial servicing will take place as existing on-street as per all existing retail / commercial units on Lewis Street.

### Car Park

There is a public car park within 140m of the proposal, located on Lewis Street. However, it is noted that this facility is used to capacity due to the existing high on-street car parking demand generated by the existing retail / commercial uses and lack of off-street car parking facilities for existing residents.

### Local Highway Authority Conclusion and Recommendation:

Concerns raised by third parties with regards to parking and highway safety issues have been considered, and it is noted that there is existing high on-street car parking demand within the vicinity of the site and that there is potential for residents of the bed and breakfast to park on street. However, the Local Highway Authority have noted that the existing use is a function and storage room, and in accordance with the SPG Access, Circulation & Parking 2011 the Local Highway Authority consider that there would be a reduction in parking requirement at the site, and on balance, no highway objection is raised.

The proposal is also located within a sustainable location near public transport which will promote sustainable modes of transport with less reliance placed on the private motor vehicle. No objections were raised by the Local Highway Authority following consultation.

### **Other Issues:**

Following consultation, the South Wales Fire and Rescue Service have offered no objections to the proposed development.

The Council's Public Health Department have offered no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust and waste.

The external alterations proposed include new ground floor openings and the provision of a screening fence. As such, the development would not be considered to impact



local ecological interests. However, a condition for biodiversity enhancement details is recommended.

Dwr Cymru/ Welsh Water have offered no objection to the proposal subject to a condition prohibiting any increases in the roof area of the building from connecting directly or indirectly to the public sewerage system. However, no extensions are proposed and as such, the condition is not considered necessary.

### **Third Party Comments:**

Third parties have raised concerns with regards to existing operations at the site, with objections raised relating to noise and nuisances caused by the public house, objections in relation to a 'beer garden' at the site, concerns with existing parking arrangements at the site and the blocking of a neighbouring access gate.

Whilst these concerns have been noted, the Local Planning Authority (LPA) must nonetheless consider the application on its own merits and assess whether the change of use from a function room to 4no bed & breakfast rooms at the site is acceptable.

Concerns were also raised by third parties with regards to works at the site and possible breaches of planning control at the site, including a new pedestrian access on to neighbouring property, concerns that other bed and breakfast rooms have been in operation at the site without the required consents, a loft conversion and that other businesses may be operating from the site.

Some of these comments received by third parties would be considered private and/or civil matters between neighbouring occupiers and are not material planning considerations for the purposes of this application. However, concerns raised by neighbours over possible breaches in planning control at the application site are currently being investigated by the Local Planning Authority's Planning Enforcement Team.

### **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 application site is in a sustainable location, within settlement boundary limits with good access to public transport, services, and facilities. It is not considered that the proposed use would conflict with surrounding uses and the proposal would provide

additional holiday accommodation in the Northern Strategy Area and would support an existing business at the site.

Furthermore, the proposal would not be considered to impact upon the character and appearance of the site or upon the amenity and privacy of surrounding properties nor would it have any adverse impact upon highway safety in the vicinity of the site.

**RECOMMENDATION: Approve, subject to 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 plans unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 2927 C. Received by Local Planning Authority 09/05/2023

And documents received by the Local Planning Authority on 31/03/2023 and 09/05/2023 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 development shall be occupied as holiday accommodation only and no bed and breakfast room shall be occupied by any individual, family or group for more than a continuous period of two months in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To define and limit the extent of the permission and in the interest of residential amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

4. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.

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