

PLANNING & DEVELOPMENT COMMITTEE

07 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1125/10 (RP)
APPLICANT: Mrs.Y Rees
DEVELOPMENT: Refurbishment of existing living accommodation to first floor, upgrade, alteration and extension of building (Amended plans and description received 14/11/2023) (Amended plans received 05/12/2023 and 16/02/2024)
LOCATION: OLD YNYSYBWL INN, MILL ROAD, YNYS-Y-BWL, PONTYPRIDD, CF37 3LS
DATE REGISTERED: 16/10/2023
ELECTORAL DIVISION: Ynysybwl

RECOMMENDATION: GRANT

Reasons: The principle of the proposal is considered to be acceptable and the public house, which appears to be valued by the local community, would be retained.

Furthermore, no significant concerns are raised with regard to the impact of the proposed development upon the character and appearance of the application site, the amenities or privacy of the neighbouring residents or highway safety.

The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought for the renovation of an existing first floor flat, in addition to the alteration and general refurbishment of the Old Ynysybwl Inn, Ynysybwl.

The submitted plans that accompany the application show that the ground floor of the public house would be re-configured to provide for what would be a sports bar, re-located toilet facilities and an enlarged snug for patrons.

To the first floor, the existing residential flat would be refurbished and modernised and the plans indicate that a new entrance hallway and stairwell would be formed to provide the necessary access arrangements.

Externally, the development proposes a number of alterations, as follows:

- The removal of an existing flat roofed extension that projects forward of the front elevation of the public house, and which currently acts as the main entrance to the Inn and provides its patrons with washroom facilities, and its replacement with a new front extension to provide the aforementioned entrance hallway and stairwell for the existing residential flat.
- The provision of new window and door openings to serve the re-modelled building including the formation of a new entrance to the bar area and snug of the public house. The plans also detail that a new canopy would be constructed forward of the new entrance to the pub.
- The erection of a balcony to the rear elevation of the building. The plans detail that the balcony would project for almost the full width of the rear elevation and would be accessible from the main living area and master bedroom of the first floor flat. The balcony would be supported by steel corner posts and be enclosed by both a 1.1m high toughened glass balustrade and 2m high privacy screening.
- The re-grading of a bank to the rear of the building to form a level garden space;
- The removal of 2no. chimney stacks from the building.

In respect of external materials, the application denotes that the existing single glazed timber windows would be replaced with double glazed UPVC types, whilst the new elevations would be made good via the use of a mix of stone cladding and render. The roof would be finished in reconstituted slate and solar panels would be installed.

Members will note that amended plans have been received during the course of the application which has included the introduction of privacy screening to the proposed balcony and the removal of an extension to the buildings north-eastern side. The conversion of around half of the ground floor space to residential accommodation has also been removed from the scheme.

SITE APPRAISAL

The application site is currently occupied by the Old Ynysybwl Inn, a Public House and its associated car parking areas and outside space.

Access is provided via an existing track to the south of the site (off Mill Road) and the site is relatively well screened from the road and surrounding area.

The site and surrounding area are considered to be open countryside, being located outside of defined settlement limits, although there is a small cluster of residential properties located along Mill Road and also directly adjacent to the north-eastern boundary of the site, namely Riverbank Cottage. Properties vary in terms of their scale and design although the majority are traditional in terms of their appearance and finish.

The Nant Clydach runs along the southern and eastern boundaries of the site. As such, the whole of the application site, including the access off Mill Road, is within Flood Zone C2. A Public Right of Way runs directly through the site (YCC/21/1) and the area immediately surrounding the application site is designated as a Site of Important Nature Conservation (SINC).

PLANNING HISTORY

99/4060	Retention of alterations and kitchen extension	Grant	19/04/99
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PUBLICITY

The application has been advertised by direct neighbour notification and the erection of site notices. Letters of objection have been received from six local residents to the original and re-consultation exercises conducted and raise the following points:

- The balcony extension will overlook the whole of the rear garden of Riverbank Cottage and would result in a complete invasion of privacy. The development of an outdoor seating area, to the rear of the pub, would also be located directly adjacent to the main living area and garden of Riverbank Cottage and could result in excess noise, foul language and smoking being experienced;
- The 200-year-old pub needs to be kept looking exactly the same as it has done for many years, the current plans look nothing like a pub but a modern house. This pub was always popular with a successful restaurant but has been run down since the present owner took over;
- The plans hardly accommodate a village pub anymore, the restaurant and kitchen being turned into private bedrooms will have a hugely negative impact on the future of the pub as it is the only pub in the village able to offer food;
- I cannot see any public car parking and there is no 'cellar' for the bar, a pub cannot operate without a cellar;
- Flood risk (last witnessed inside the pub in 2020) should negatively impact such a change of use;

- The proposed development of the ground floor would not only remove half the potential space of the pub, but its hard to see how the remaining space would be viable for any future development as a public house since the cellar, kitchen, dining area, prominent public entrance, signage, adequate car parking and so on, are either ill-defined or removed altogether;
- This is one of the oldest buildings in Old Ynysybwl and is a focal point for many local families for functions, is used by horseback riders, walkers, runners and cyclists and local choirs. The proposed plans would make this almost impossible and the building is currently being torn apart before this planning application is even considered.
- My objection as to privacy concerns still stands. I would be happier if the privacy screen went approximately halfway across the balcony, there would then be no requirement for the middle screen.

CONSULTATION

- Highways – No objection nor conditions suggested.
- Natural Resources Wales – No objection to the amended scheme.
- Dwr Cymru Welsh Water – No objection subject to condition and informative notes.
- South Wales Fire and Rescue – No objection subject to standing advice.
- Public Health and Protection - No objection, conditions recommended.
- RCT CBC Definitive Map Officer – No objection.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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 outside of the settlement boundary for Ynysybwl but is not allocated for any specific purpose.

Core Policies

Policy CS1 – places an emphasis is on sustainable growth that benefits Rhondda Cynon Taf as a whole.

Area Wide Policies

Policy AW1 – outlines how the housing land requirement will be met.

Policy AW2 – ensures that development proposals are only supported in sustainable locations.

Policy AW4 – details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW5 – sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

Policy AW7 – seeks to protect features of the built environment including Public Rights of Way.

Policy AW9 – sets out the criteria for development proposals which seek to alter, renovate or convert existing buildings outside the defined settlement boundaries.

Policy AW10 – outlines that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity.

Policy AW14.2 – seeks to safeguard resources of Sandstone from development.

Northern Strategy Area

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

Supplementary Planning Guidance

Design and Placemaking
A Design Guide for Householder Development
Access Circulation and Parking Requirements
Planning Obligations.

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 12 (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. Future Wales: The National Plan 2040 (FW2040) sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered 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.

It is also considered the proposed development fails to comply with the NDF, with the following policies being relevant to the development proposed:

1. Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
2. Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

Other policy guidance considered:

PPW Technical Advice Note 11 - Noise
PPW Technical Advice Note 12 – Design
PPW Technical Advice Note 15 – Development and Flood Risk
PPW Technical Advice Note 18 – Transport
PPW Technical Advice Note 23 – Economic Development
Manual for Streets

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

This application relates to the refurbishment of existing living accommodation at the site and also seeks consent for a number of external extensions and alterations to the building's fabric.

In respect of the residential proposals to the first floor, although the application site is located outside and detached from the settlement boundaries, as prescribed within the Rhondda Cynon Taf Local Development Plan, it is clear the accommodation has been situ at the site for a considerable period, operating as ancillary accommodation to the public house. Consequently, no policy objection is raised to the modernisation of the flat or the replacement of the entrance hallway and Members should note that the renovation or refurbishment of the existing first floor flat as described in the application description, in itself, does not require the benefit of planning permission.

With regards to the development works to the public house itself, Planning Policy Wales (PPW 12) does afford a level of protection for community facilities, stating at paragraph 4.3.40 that:

“Public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations and that the economic and social function of local shops, village shops and public houses should be taken into account when considering applications for a change of use into residential or other uses”.

Given the above, the objectors initial concerns shown to the proposal to convert part of the ground floor to a residential use were pertinent. However, Members are advised that the amended scheme would now retain the whole of the ground floor for use as a public house and would be subject to refurbishment. Subsequently, there would be no conflict with National Planning Policy requirements.

Taking the above into consideration, the principle of the proposals is acceptable. However, in accordance with the requirements of Policies NSA12, AW5 and AW6 development proposals may only be considered acceptable providing no adverse impacts result in terms of character, amenity or highway safety. These matters will be considered in detail in the following sections.

Impact on the character and appearance of the area

It is not considered that the public house, prior to the commencement of works, was of architectural merit and did not make a positive contribution to the site's semi-rural setting.

The proposed alterations to the primary elevation of the building would see the main roof of the property being extended to form a new entrance to the first floor and would include the removal of a rather unsympathetic flat roofed extension. The balcony, by being located on the rear elevation of the premise, would also have a limited visual impact upon the public realm.

In addition, although unfortunate, the building is not listed in any way and accordingly, the removal of the chimney stacks does not require planning consent. Furthermore, whilst the removal of the timber framed sash windows and their replacement with UPVC fenestration would result in a significant change to the outward appearance of the building, it is not considered that this would justify refusal of the application for this reason alone. It is also noted that the proposal would utilise materials in the form of stone cladding, render and slate which is considered would soften the external alterations proposed to some effect.

Consequently, it is not considered that the application would compromise or dilute the semi-rural character and appearance of the area to a point which warrants refusal of the application.

Impact on residential amenity and privacy

The scheme details that the application would include the construction of a rear balcony, to serve the occupants of the first floor flat and the site visit showed this had been constructed.

The written representations received have raised concern to this element of the scheme, inasmuch as it has the potential to impact upon the privacy of the neighbouring occupants of Riverbank Cottage when using their own outside space, given the depth and width of the balcony and its elevated height.

To overcome these concerns, the applicant has submitted amended plans which include the establishment of a new hedgerow on the boundary with Riverbank Cottage and this has already been planted. In addition, 2m high privacy screening would be installed upon the north-eastern side of the balcony and would include a 1.5m return, whilst a further 2m high screen would be installed at its centre point, between the living accommodation and the master bedroom.

Given the above, although the balcony extends for the full width of the rear of the building and that French doors have been installed, the decision to strengthen the boundary with additional hedging should benefit the occupants of Riverbank Cottage

and, together with the inclusion of the 2m high privacy screening, provides appropriate mitigation and ensures the amenity of the neighbouring garden would be preserved.

Consequently, it is considered that the proposed development would not have a significant adverse impact upon the privacy of neighbouring residents and the application therefore accords with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments.

Mill Road, Ynysybwl.

Mill Road, leading to the application site from Clydach Road (B4273) is sub-standard in terms of width for safe two-way vehicular movement, has an acute angled junction, sub-standard visibility, lack of continuous footway links and lack of positive surface water drainage.

Acute angled junction

There is major concern with regards the acute angled junction onto the B4273 Clydach Road with sub-standard visibility and any increase of vehicular movement at this location.

Pedestrian Access

Pedestrians would be forced to walk in the carriageway with sub-standard width as a shared surface to the detriment of safety of all highway users. This is of particular concern given the lack of positive drainage resulting in potential freezing on the carriageway leading to potential slips / collisions and third-party claims.

Manual for streets indicates that a minimum unobstructed footway width of 2.0m should be provided for safe pedestrian access for able and less able-bodied pedestrians.

Highways Summary

There is concern with regards the sub-standard nature of Mill Road leading to the site. However, the applicant proposes to maintain the ground floor use as a public house/restaurant and upgrade the existing facilities which is not envisaged to have any significant adverse impact on highway or pedestrian safety and therefore, is considered acceptable and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

The revised planning application proposes the retention of highly vulnerable development (residential use) at first floor, and alterations to existing less vulnerable development (public house) at ground floor.

Natural Resources Wales Flood Risk Map confirms the site as being within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004).

Within their response, NRW have commented that given the nature of the development, which does not result in any change from the existing situation with regards to flood risk, they consider the proposals could be acceptable subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

To this end, it is noted that the applicant has proposed to provide a more permeable gravel surface to the front of the site and this would be re-graded to fall away from the building towards the river bank. ACO drains would also be installed to the buildings frontage and whilst it is noted some new development at the site is proposed in the form of a replacement entrance hallway, Members are advised this would be rebuilt to a reduced footprint and therefore, the development would have no further adverse impact, in terms of flood risk, on neighbouring properties and elsewhere on the flood plain.

Consequently, the application would comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan in this regard.

Neighbouring Consultation Responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

The objectors initially tendered objections regarding the loss of the almost half of the ground floor space of the building to a residential use. However, the amended plans received now indicate that the whole of the ground floor would be retained for use as a public house and that a kitchen, cellar, public bar and snug areas would remain.

Furthermore, 26no. parking spaces would be formed within the site curtilage and it is therefore clear that the use of the building as a community asset would be retained.

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 principle of the proposal is considered to be acceptable and the public house, which appears to be valued by the local community, would be retained.

Furthermore, no significant concerns are raised with regard to the impact of the proposed development upon the character and appearance of the application site, the amenities or privacy of the neighbouring residents or highway safety.

The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved drawing numbers and documents received by the Local Planning Authority on 03/10/2023, 14/11/2023 and 16/02/2024, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. 23.06/01 Rev. A (Block Plans)
- Drawing no. 23.06/02 (Existing South Elevations)
- Drawing no. 23.06/03 (Existing North Elevations)
- Drawing no. 23.06/04 (Existing Ground Floor Plan)
- Drawing no. 23.06/05 (Existing First Floor Plan)
- Drawing no. 23.06/06 Rev. C (Proposed South Elevations)
- Drawing no. 23.06/07 Rev. C (Proposed North Elevations)
- Drawing no. 23.06/08 Rev. C (Proposed Ground Floor Plan)
- Drawing no. 23.06/09 (Proposed First Floor Plan)
- Location Plan

Reason: For the sake of certainty, to ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. The 2 metre high privacy screening on the balcony hereby approved shall be installed within 2 months of the date of this consent.

Reason: In the interests of the amenity and privacy of the neighbouring residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.