

## **PLANNING & DEVELOPMENT COMMITTEE**

**07 NOVEMBER 2024**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 24/0760/FUL (AM)  
**APPLICANT:** Mr Paul John Jones  
**DEVELOPMENT:** Change of use to Class D1 (Dentist) (Amended red line boundary received 06/09/2024).  
**LOCATION:** The Glenrhedyn, Station Road, Ferndale, CF43 4NE  
**DATE REGISTERED:** 6 September 2024  
**ELECTORAL DIVISION:** Ferndale And Maerdy

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#### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

**REASON:** While the loss of a bar, lounge and restaurant is regrettable, the use as a dental practice would provide a much needed and beneficial facility for all residents of the community. Consequently, the principle of the proposed change of use is considered acceptable in this instance.

It is not considered that the proposal would have any undue impact upon the character and appearance of the surrounding area, the residential amenities and privacy of surrounding residents, or upon highway safety in the vicinity of the site.

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

Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the change of use of The Glenrhedyn (bar, lounge and restaurant – Class A3) to a dentist (Class D1).

The proposed change of use would be facilitated through internal alterations only. The ground floor level would contain 5 surgery rooms, a waiting / reception area, toilets, staff facilities and storage rooms. The first floor level would contain 2 surgery rooms, a training and conference room and further staff facilities. It is indicated that the business would employ 24 full time staff. The following opening hours are proposed:

- Monday – Friday: 07:00 to 20:00

- Weekends and Bank Holidays: Closed

## **SITE APPRAISAL**

The application property forms a large, two storey building currently in use as a bar, lounge and restaurant. It is located within the defined settlement boundary for Ferndale, but the site is somewhat isolated from the main area of the village, located east of the main settlement on the highway between Ferndale and Blaenllechau.

The applicant has advised that the existing facility is open Wednesday to Sunday, midday to 10:30pm, but until midnight on Fridays and until 00:30 on Saturdays, employing three people during these times.

The site is accessed directly from Station Road which passes to the front (east). To the east of the site is a public footpath and the wooded embankment of the Rhondda Fach River. On the opposite side of the river is the terraced residential street, Taff Street. A very steep embankment protects the western boundary of the site. A stepped footpath, which rises to the south of the existing building, enables access to the residential streets to the west of the site. A bus stop is located directly to the front of the site.

## **PLANNING HISTORY**

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

09/1228/10	Demolition of the Salisbury Hotel to be replaced with new community centre housing Ferndale RFC facilities, bar lounge, restaurant, Rhondda Rugby Museum, exhibition space, gym, community offices, meeting rooms, and 20-bed hotel.	Grant	01/03/2010
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## **PUBLICITY**

The application has been advertised by direct notification and notices displayed in the vicinity of the site. 66 letters of objection have been received, which have been summarised below. It is noted however that 31 of the objection letters are identical and appear to have been generated using AI (although this cannot be confirmed).

### Community and Social Impact

- The establishment is crucial to the community it serves.
- Its closure would be devastating to the community.
- Serves as a vital social facility.

- Losing the pub would eliminate the economic benefits it brings and negatively impact the spirit of the community.
- The pub is the only place capable of hosting events in the area.
- It is the last family pub in the area.
- Its closure could lead to loneliness for vulnerable, older residents.
- The proposed closure would eliminate the only refreshment stop, especially with the construction of the new public footpath nearby.
- People are being discriminated against, not everyone can drive or has access to a vehicle. Infrequent public transport and mobility issues would make it difficult for some community members to go elsewhere.
- If changes continue, there will be nothing left in Ferndale.

### Planning and Policy Considerations

- The proposal does not accord with PPW 12, paragraphs 2.1 to 2.4.
- The closure would negatively impact the village and surrounding area.
- It would reduce the availability of social amenities.

### Economic and Infrastructure Concerns

- The building was refurbished using taxpayers' money.
- The Glenrhedyn had £1.2m of public money invested into it and was sold for only £300,000.
- It was supposed to be part of the Rhondda Life Project, but the project failed due to lack of funding.
- There are many other buildings in the locality that could be used as a dental practice.

### Other matters

- Refuse the proposal while a group is established to purchase the facility.

## **CONSULTATION**

### Local Highway Authority

No objections.

### Public Health and Protection

No objections.

## **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 lies within the settlement boundary for Ferndale but is allocated for any specific use.

**Policy CS1** - sets out the strategy for development in the Northern Strategy Area.

**Policy AW2** - supports development proposals in sustainable locations.

**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 placemaking, including landscaping.

**Policy AW10** - supports development proposals which are not detrimental to public health or the environment.

**Policy NSA2** - outlines the requirements of development proposals within the Key Settlements.

### Supplementary Planning Guidance:

Access, Circulation and Parking Requirements

### 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) was issued on 07 February 2024. It incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the Welsh Government's (WG) current policy position 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, although it should form the basis of all decisions.

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 is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national policy guidance considered:

- PPW Technical Advice Note 4: Retail and Commercial Development
- 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**

A considerable amount of objection has been received to the loss of the existing facility, and the loss of such a community facility would undoubtedly be regrettable. The applicant has however advised that the current facility operates very limited hours (Monday & Tuesday – Closed, Wednesday & Thursday – 12pm-10:30pm, Friday – 12pm-12am, Saturday – 12pm-12:30pm and Sunday – 12pm-9:30pm ) and, whilst previously used by Ferndale RFC, the rugby club now uses alternative premises, and the facility is subsequently operating at a loss. The current owner therefore wishes to sell the property and advises that the proposed dental surgery is the only realistic option.

The application site is located within the defined settlement boundary for Ferndale where local and national planning policy presume in favour of new development. However, it is not allocated for any specific use, being outside of the town's defined retail centre, and therefore LDP Policy AW11 and the requirement for evidence of marketing do not apply. That said, PPW acknowledges the potential impact of losing any retail site, particularly regarding its effect on the local community and the availability of similar services nearby.

The proposal involves converting an existing building, currently operating as a bar, lounge and restaurant, into a dental practice. It is noted that the facility is not a traditional public house. The applicant has indicated that their existing dental surgery, located within another area of Ferndale, can no longer accommodate the local demand; and that the change of use aims to address this by providing a considerably larger facility within the town. It is also worth noting that while The Glenrhedyn currently employs 3 staff members, the proposed dental practice would create 24 full-time equivalent jobs.

Ferndale is designated as a Key Settlement under Policy NSA2. The proposed development would offer a critical service for the town and would integrate well with the existing surrounding development. This would strengthen Ferndale's role as a Key Settlement and would address the well-documented demand for additional NHS dental capacity in a national, regional and local context. Therefore, the proposal aligns with Policy NSA2.

Furthermore, PPW emphasises the importance of providing access to jobs and a range of community facilities, including health services, for residents of both existing and new communities.

Members are also advised that in considering the benefits a new dental practice would provide over a bar and restaurant, an Inspector ruled that a restaurant is not considered a 'community facility', as identified in appeal decision Ref. APP/P3040/W/17/3186110. This decision is comparable to the proposed conversion of The Glenrhedyn. The inspector commented on the Council's definition of a community facility, stating: "*Certain uses and venues are important for local communities to meet, socialise, and interact. Although restaurants provide opportunities to meet and socialise, they do not fulfil this function as a public house may, as they tend to be arranged in a formal manner. Restaurants also do not provide access to services or facilities required for day-to-day living.*"

It is also noted that there are several other public houses within Ferndale which provide a similar service to that which would be lost (the Ferndale Working Mens Club, Ferndale Labour Club, Conservative Club, and Ferndale Band Club). These are all within 1km of the application site and are all located more centrally within Ferndale than this site. There are also several takeaways within the town. This wide range of other facilities in the town

will ensure that residents can meet many of their day-to-day needs despite the loss of this particular facility.

It is clear therefore that there are alternative premises locally and that the Glenrhedyn does not constitute a unique facility, nor does it serve a critical role as a meeting place for village residents and the surrounding areas.

In conclusion, while the concerns of residents are acknowledged and loss of the community facility is regrettable, the proposed change of use would provide a much needed facility that would benefit all residents of the town not just the few that frequent the failing bar, lounge and restaurant. Further, it is not considered the loss of the existing facility would result in a significant impact to the social cohesion of the community.

The application is therefore considered acceptable in principle, subject to the assessment of further material planning considerations set out below.

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

The proposed conversion seeks to utilise the existing fabric of the building with no external alterations or increase in the footprint or scale of the building proposed. All external elevations would remain unaltered with the existing pattern of fenestration being retained. Therefore, the proposed change of use would have no impact upon the character and appearance of the site.

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

The application property is located in an isolated area approximately 40 metres from the nearest residential dwellings. Due to this separation distance, and with no physical alterations taking place, it is not considered the use of the building as a dental practice would cause any disturbance to the closest neighbouring properties.

Consequently, it is not considered that the proposal would have any adverse impact on the amenity of surrounding properties and the proposal would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

### **Access and Highway Safety**

The application has been subject to consultation with the Local Highway Authority with a view to assessing the impact of the proposal on highway safety, access and parking.

Highways and Transportation commented that the proposed change of use to a dental practice would have a parking requirement of up to 34 spaces, with the site having an existing car park that can cater for the parking requirement.

In terms of public transport, while it is likely that a significant proportion of the visits would be reliant on the private vehicle, the site is within walking distance of Ferndale and Blaenllechau with a number of footways and walking routes. Furthermore, a bus stop is located directly outside of the site with regular services each day.

The proposal is therefore considered acceptable in terms of highway safety and access, compliant with Policy AW5 of the LDP in these respects.

### **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**

While the loss of the bar and restaurant is regrettable, the use as dental practice would provide a much needed and beneficial facility for all residents. Consequently, the principle of the proposed change of use is considered acceptable in this instance.

Furthermore, it is not considered that the proposal would have any undue impact upon the character and appearance of the surrounding area, the residential amenity and privacy of surrounding residential properties, or upon highway safety in the vicinity of the site.

### **RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING 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 and documents received by the Local Planning Authority on 23/07/2024, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

- Proposed ground floor plan
- Proposed first floor plan
- Proposed second floor plan



Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.