

DELEGATED REPORT

Application No:	P/21/0402
Site Address:	Former Mackintosh Hotel And Public House Aberfan Road Aberfan Merthyr Tydfil CF48 4QJ
Development:	Change of use from hotel (C1 use class) and public house (A3 use class) to residential family assessment service (C2 use class)
Case Officer:	Rebecca Owens
Application Expiry Date:	21st January 2022
Consultation reply date expired:	23rd December 2021

APPLICATION SITE

The application site relates to the former Mackintosh Hotel, an attractive three storey building (with basement level) located in a prominent corner position at the junction of Aberfan Road with Angus Street, in the area Aberfan. The building has been unoccupied for over 10 years, however some renovation works have recently taken place in line with recent planning approvals (see planning history below). Indeed, new Upvc windows have been installed in line with planning permission P/18/0209 and the works have been completed with respect to the conversion of the first and second floors to an apart hotel (planning reference: P/21/0099). The site is located within the settlement boundary in a mainly residential area and is bound by a dwelling to the south, highways to the north and west and a lane to the east.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the building from a hotel (C1 Use Class) and public house (A3 Use Class) to a residential family assessment service (C2 Use Class).

The residential family assessment unit would be occupied by vulnerable families, mainly young parents with babies or toddlers, who have been deemed highly vulnerable by a court or Local Authority. The families will stay at the premises for up to 12 weeks, this being the assessment period. The facility would be staffed and operate 24 hours a day for 7 days a week. However, the opening hours for visitors would be between 9am and 5pm Monday to Friday with the main footfall being between the hours of 10am and 4:30pm.

No changes are proposed to the first and second floors of the building, which have recently been converted for use as an apart hotel and provide nine self-contained apartment units with cooking and washing facilities. The ground floor would be converted

to provide further facilities including a laundry room, plant rooms, meeting room, offices, a 1:1 area, toilets, and a kitchen and living zone.

Externally, five onsite parking spaces have been identified adjacent to the eastern elevation and accessed off the rear lane. It is proposed to enclose an existing patio area with 1m high feather edged timber fencing to provide a secure external area. This would have privet hedging planted around it. The plans also indicate that an existing unauthorised timber fence along the northern boundary would be replaced with concrete post and chain link metal fencing which is 0.9m in height. Finally, a cycle store and refuse area are also to be provided. No external alterations are proposed to the building with the exception of a bat box which is proposed on the southern elevation.

PLANNING HISTORY

The relevant planning history is summarised below:

- | | |
|-----------|---|
| P/21/0099 | Certificate of lawful development for the proposed use of the existing hotel as an apart hotel
Certificate of lawful development granted on 14 May 2021 |
| P/20/0233 | Discharge of condition 4 of planning permission P/18/0209 (disposal of surface water)
Condition discharged on 12 November 2020 |
| P/18/0209 | Change of use to 9 self contained flats at first and second floors. Retain ground floor use as A3 use (for restaurant / cafe /coffee house), to include external alterations
Granted planning permission subject to conditions on 4 October 2018 |
| P/03/0054 | Change of use from commercial use to residential use
Granted planning permission subject to conditions on 31 March 2003 |

CONSULTATION

The following bodies were consulted and their responses are presented below:

- | | |
|---|-----------------------------------|
| Head of Engineering | No objection |
| Planning Division's Policy Group Leader | No objection |
| Environmental Health Manager | No response |
| Dwr Cymru Welsh Water | No objection subject to condition |

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Technical Advice Notes:

- Technical Advice Note TAN 18: Transport
- Technical Advice Note 12 Design

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement boundaries
- SW9: Planning Obligations
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- SW13: Protecting and Improving Local Community Facilities
- CW2: Cyfarthfa Heritage Area
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located in Aberfan, which is identified as an 'other growth area' within the settlement boundary. As such, development is deemed to be acceptable in principle subject to compliance with other relevant policies and material planning considerations.

In this respect, it is noted that the former Mackintosh Hotel and Public House is a vacant community facility where Policy SW13 is applicable. This Policy seeks to protect and support the enhancement of the County Borough's existing community facilities. This policy states that development proposals resulting in the loss of an existing community facility are only permitted where they meet certain criteria including where an existing provision is inappropriate or surplus to the needs of the community and is therefore no

longer required. It is noted that the property has been vacant for over a decade and as such it is deemed that it meets with this reason and would not contravene Policy SW13.

Design and visual amenity

As the proposal would not require any external alterations to the building with the exception of a bat box, there would be no notable impact on its character or overall appearance. The external works proposed are relatively minor in their nature and are therefore generally deemed to be acceptable. In this respect it is noted that an existing unauthorised timber fence which is adversely impacting on the visual amenity of the area is to be removed and replaced with a chain link metal fence. Whilst this would not be the preferred boundary treatment it is noted that given its height it could be provided without planning permission and nevertheless would be less visually obtrusive than the fencing in situ. It is also noted that a timber enclosure is proposed around an existing patio area, which is elevated within the site. Given the higher level of this land, the enclosure would be visually prominent despite its modest height. However, as this too could be provided without planning permission and would be largely screened by the proposed privet hedge, it is considered that this too is acceptable. Notwithstanding this, to prevent any further inappropriate boundary treatments and enclosure, which could potentially harm the character of the building and wider area it is recommended that permitted development rights for such works are removed so the visual impact of such development in the future can be controlled.

It is also noted that this building has been vacant for a number of years despite recent planning applications relating to other uses. Whilst some renovation works have been undertaken following these applications, which have improved the overall condition and appearance of the building, the proposal, if implemented, would bring a vacant building back into beneficial use which would have a positive impact on its long term upkeep and maintenance. Given the minimal alterations proposed and the potential to bring a vacant building back into use, it is not considered that the proposal would have any detrimental impact on the character or visual amenities of the streetscene or wider area. The proposal would therefore comply with Policy SW11 in this respect.

Residential amenity

It is noted that the application site is located in a high density residential area and is directly adjoined by a dwelling to the south with further properties surrounding it which are separated from the application site by either an adopted lane or a highway. However, the proposal does not include any notable external alterations to the building and the upper floor windows would continue to serve self-contained apartment type units as previously approved under earlier applications (see planning history section). As such, there would be no change in terms of overlooking into neighbouring properties.

It is acknowledged that there would be a level of noise and disturbance associated with the proposed use, including that from the families residing that the premises and the comings and goings of staff, professionals and resident families. However, it is not considered that the proposed use would be dissimilar to the existing hotel and public house use and indeed would not result in any significant additional noise and disturbance. In fact, it is noted that a public house is likely to result in a greater level of noise and disturbance and at less social hours.

Having considered the above and with the lack of any representations following the publicity exercise, the proposal is found to accord with Policy SW11 in terms of residential amenity.

Highway safety and parking

It is noted that there is an issue with congestion in the area with limited on street parking which is already in demand from the surrounding dwellings. A travel plan been submitted with the application focusing on parking. This highlights the potential for access to the site using public transport via train and bus and indicates that cycle storage would be provided as an alternative to private car. In addition, the proposal includes five on-site parking spaces, which would be allocated for use by staff only. The travel plan outlines that families staying at the facility would not be allowed to bring their own transport so the only people travelling to the site via private transport would be staff and professional visitors. Visits to the resource centre comprise of approximately twenty seven visits over a twelve week period, which would be planned in advance. Thus on days where there are visitors to the facility, staff could park within the public car park situated behind Aberfan Community/leisure centre which is a short walk away or use can be made of the park and ride facility at Merthyr Vale Station. Having regard to these details and comparing them with the existing use and other approved uses, it is not considered that the parking demand from the proposal would be more intensive and thus no objection is raised in terms of parking or highway safety. In this respect it is noted that the Head of Engineering has not raised any objections to the applications on such grounds.

Ecology

As the majority of the works are internal with only minimal external alterations, no ecological survey work was deemed necessary. In addition, enhancements have been provided in the form of a bat box on the southern elevation. The Planning Division's Ecologist is satisfied with this and raises no objection to the proposal.

Planning obligations

Policy SW9 relates to Planning Obligations. However, given the nature of the proposal, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought, in this instance. Additionally, CIL is not chargeable in this location.

Conclusion

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, having regard to the above considerations 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:

Drawing Title: Ground Floor Proposed, Drawing Number: F102 Rev. 2, Amended Plan Received on 9 February 2022

Drawing Title: Existing 1st Floor (unchanged), Drawing Number: F106, Received on 26 November 2021

Drawing Title: Existing 2nd Floor (unchanged), Drawing Number: F107, Received on 26 November 2021

Drawing Title: East Elevation, Drawing Number: F108 Rev.2, Amended Plan Received on 9 February 2022

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

3. **Prior to the beneficial occupation of the property** a single bat box shall be installed on the southern elevation in accordance with drawing number F108 Rev. 2 and this shall be retained in perpetuity thereafter.

Reason - To protect biodiversity in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The privet hedge indicated on drawing number F102 Rev 2 shall be provided in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any part of the hedge which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with a hedge of a similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the building without the prior submission of a planning application for the consideration of the Local Planning Authority.

Reason - In the interests of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

INFORMATIVES

1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact Dwr Cymru Welsh Water's connections team on 0800 917 2652 for further information on water and sewerage connections. The applicant is also advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

11/02/22