

DELEGATED REPORT

Application No: P/21/0099

Site Address: Mackintosh Hotel
Aberfan Road
Aberfan
Merthyr Tydfil

Development: Certificate of lawful development for the proposed use of the existing hotel as an apart hotel

Case Officer: Marlene Ferreira

Site Visit: 13th April 2021

Application Expiry Date: 20th May 2021

Consultation reply date expired:

APPLICATION SITE

The application site relates to the first and second floors of Mackintosh Hotel, an attractive three storey building (with basement level) located 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 are currently taking place following the approval of a recent application (P/18/0209) for a change of use from a hotel (C1 use class) to nine flats (C3 use class) at first and second floors and the renovation to the ground floor and basement area (which would continue to be used as a public house).

PROPOSED DEVELOPMENT

This is an application for a certificate of lawfulness for a proposed development under section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether a proposed aparthotel use on the first and second floors of Mackintosh Hotel (with a lawful hotel use under C1 use class) would be lawful for planning purposes. In effect, this application seeks to establish whether or not the proposed aparthotel use is 'permitted development' and capable of being implemented without the need for planning permission and therefore without requiring a change of use application from hotel to aparthotel.

The application is supported by the following:

- A cover letter submitted with the application which states:

The current proposal is for the conversion of the first and second floor of the hotel to a 9 bedroom serviced aparthotel. The rooms will be serviced and will be managed by an operator that will function in the same way as a C1 hotel use. The serviced rooms will be available for short term stays with equipped kitchen facilities.

- A Management Plan and email (received on 4th May and 24th May 2021) which includes the following information:

A Serviced Apartment is the umbrella term for a type of furnished apartment available for short-term stays, which provides amenities, housekeeping and a range of services for guests and where most taxes and utilities are included within the rental price. It is not a long term residential product i.e. offer stays for a minimum of two nights and a maximum of a month.

Each aparthotel would include the following facilities:

- Self-contained apart-hotel rooms within a dedicated building;
- Guests will have access to a dedicated 24-hour helpline;
- Guests will receive a personalised check-in. Access to the building is via restricted access codes on entrance to the building and access to the rooms will be via restricted electronic keys and restricted key codes (provided at booking);
- A fully equipped kitchen, including washing machine/dryer and supplies (washing powder/softeners etc);
- A designated sleeping area;
- En-suite shower room;
- Smart TV, Wi-Fi and the latest in-room technology;
- All utilities included i.e. heating, water & electricity;
- A weekly housekeeping service. Cleaning at shorter stays will be carried out by cleaning staff on check out. Cleaning for longer stays will be done once a week or more regularly if required.

The...model proposes no changes to the current situation whereby the current hotel contained no dedicated reception area for guests. There will not be an operator on-site. Guests will receive a personalised check-in and check-out services by dedicated UK Paragon Staff for the Hotel division. They will also be presented with a welcome pack i.e. local facilities, emergency contact numbers, housekeeping info, laundry info, towel/toiletries info (a week's supply of toiletries and towels will be provided), utilities and use of heating and lighting control manual.

We will employ the following staff:

- 3 local staff for cleaning.
- A dedicated property manager in the head office.
- A 24 hour manned line for help and enquiries.
- 2 Property maintenance staff.
- 24 hour security with censored cameras and a 20 minute call-out timing in case of
- any emergencies.

Bookings will be taken via a dedicated website, as well as the known online booking mediums for hotels. This will be via:

- The-Mac.co.uk (website under construction);
- Booking.com and hotels.com;
- Airbnb.

PLANNING HISTORY

The following planning history is relevant to the determination of this application:

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 – Approved: 3rd October 2018

CONSULTATION

No consultations were undertaken.

PUBLICITY

The application seeks the determination of whether the proposed operations are lawful and no consultation with nearby properties is therefore required to be undertaken.

POLICY CONTEXT

Town & Country Planning (Use Classes) Order 1987

The determination of this application does not include any consideration of the planning merits of the case and there are therefore no Local Development Plan policies that need to be taken into account.

National Guidance

The Development Management Manual provides guidance on the procedural aspects of the development management system.

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

PLANNING CONSIDERATIONS

This application seeks to establish whether the proposed aparthotel use would lawfully fall within a C1 use class as defined in the Town and Country Planning (Use Classes) Order (Wales) 1987.

In respect of the existing use, the Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories. A hotel, boarding and guest house is categorised as a C1 use class for which there is no permitted change. In this instance,

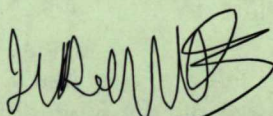
from the planning history relating to this premises, it is clear that the first and second floors of Mackintosh Hotel currently falls under class C1, as defined under the Town and Country Planning (Use Classes) (Wales) 1987 and there is no reason to dispute that the lawful use of the first and second floors of the premises. Whilst it is noted that the recently granted planning permission under application P/18/0209 proposed to change the use of the hotel (C1 use class) into flats (C3 use class) and although some refurbishment works have commenced, the building remains vacant and it is therefore concluded that this permission has not yet been implemented.

In respect of the proposed use, the applicant has submitted information, which has been detailed above, to confirm that the proposed aparthotel would fall under a C1 use class. Indeed, based on the supporting information submitted, this would indicate that the functioning of the aparthotel would reflect the same operations as those also associated with a hotel, particularly in respect of the length of stays available for guests and the facilities which would be provided. Furthermore, the definition of aparthotel has been noted and this is characterised as a set of apartments where you can stay for a short time that offer services like a hotel, for example tea, coffee, towels and cleaning services. The information contained in the land use gazetteer also confirms that a hotel, or hotel accommodation above a public house, or a self-catering hotel, all fall within a C1 use class. As such, having considered the information submitted, alongside the definition of aparthotel and the information contained in the land use gazetteer, it is considered that the proposed aparthotel would not amount to a material change of use to the first and second floors of Mackintosh Hotel and would therefore fall within a C1 use class. Accordingly, it is recommended that a certificate of lawfulness be issued.

RECOMMENDATION: BE APPROVED.

1. The proposal falls within use class C1 of the Town and Country Planning (Use Classes) Order 1987 and does not constitute a material change of use. Consequently the development is lawful for planning purposes and planning permission is not required. A Certificate of Lawfulness can therefore be issued for this proposal.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

14/5/21