

<b>DATE WRITTEN</b>	22nd August 2018
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	Marlene Ferreira
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	5th September 2018

**Application No.**  
P/18/0209

**Date**  
11th July 2018

**Determining Authority**  
MTCBC

**Proposed Development**

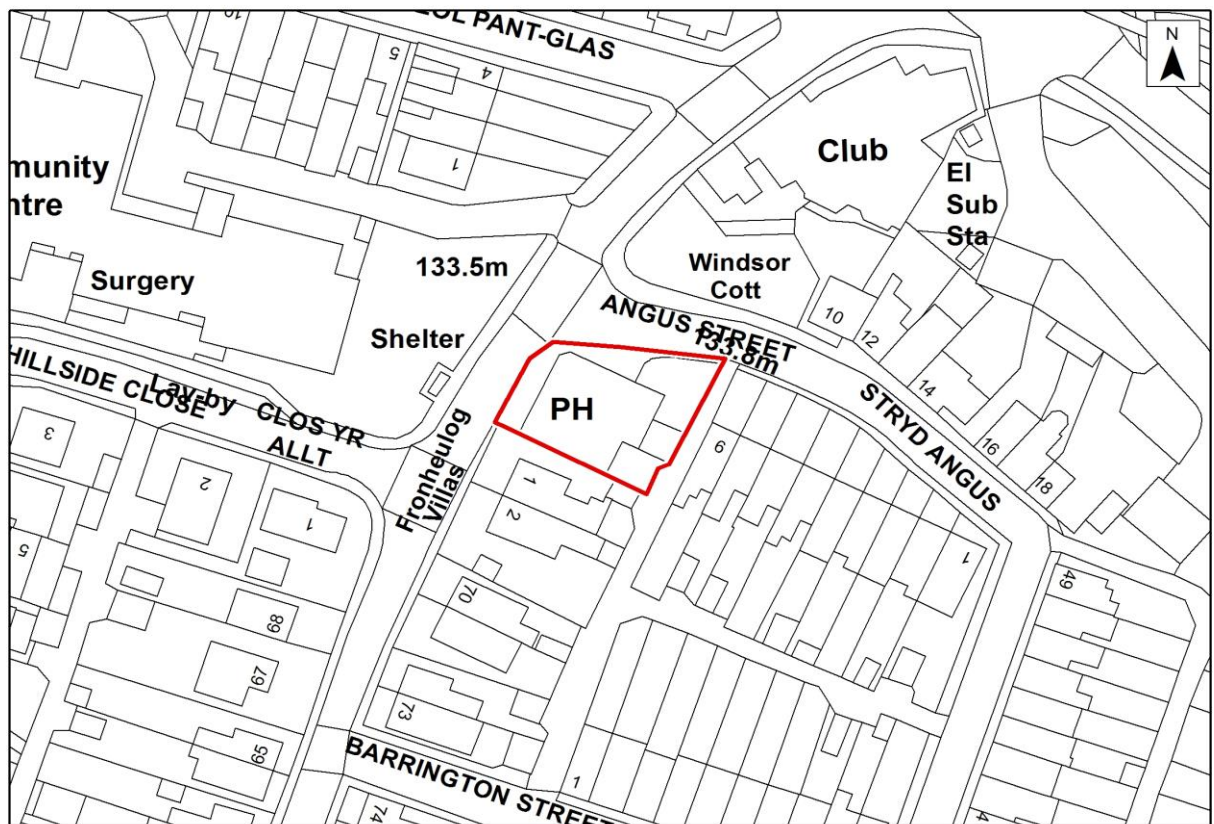
**Location**

**Name & Address of Applicant/Agent**

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

Former Mackintosh Hotel  
Aberfan Road  
Aberfan  
Merthyr Tydfil

ZAD Commercial UK Ltd  
c/o Varco Consultants Ltd  
F.a.o. Mr B Varma  
113 Park Crescent  
Barry  
CF62 6HE



Councillor Roberts and Councillor Thomas have requested that this application be reported to committee in order to consider the concerns of local residents.

## APPLICATION SITE

The application site comprises the Mackintosh Hotel, an attractive red brick three storey building with a rendered lower ground basement level. It is located in a prominent location at the junction of Angus Street and Aberfan Road. The large property has been unoccupied for over 10 years and although a number of windows and doors have been boarded up, externally it appears to be in a relatively good condition. The grassed area to the rear of the property is overgrown.

The site is bound by Angus Street to the north, a rear access lane to the east (with residential properties beyond), residential properties to the south, and Aberfan Road to the west. There are double yellow lines along Aberfan Road and on the corner of Aberfan Road with Angus Street. There is also a bus stop on the opposite side of Aberfan Road. The premise has no off-street parking.

The application premises lies within the settlement boundary – Other Growth Areas, as designated within the Merthyr Tydfil Local Development Plan 2006-2021.

## PROPOSED DEVELOPMENT

This application seeks full planning permission to convert the first and second floor of the Mackintosh Hotel to 9, 1 bedroom self-contained flats. These floors previously provided a large function room, 7 hotel bedrooms and separate rooms for toilets, bathrooms and a kitchen area. The former public house at ground floor and storage areas at lower ground floor (basement level) are proposed to be used as a restaurant/coffee house/cafe.

The first floor would accommodate 5, 1 bedroom flats, whilst the second floor would accommodate 4, 1 bedroom flats. Three new windows would be installed on the rear dormer projections at second floor level, to serve flats 3 and 4. New Upvc windows and doors are also proposed to be installed throughout the building, retaining the existing fenestration arrangement and door openings. This would include the addition of new Upvc windows to the side of the property at lower ground level (basement level) and two new Upvc windows on the rear ground floor elevation, all of which would replace the blocked up openings. A new Upvc window (and part render) would also replace a former door opening on the front elevation of the lower ground floor (basement level).

The flats would be accessed at ground floor via an existing door to the right side of the front elevation and along an internal corridor leading to a staircase which provides access to the first and second floors. A 2 metre (approx.) high boundary wall and timber access gates at the rear of the premises would be removed and a hard standing/paving area would be laid to provide 5 vehicular parking spaces and 5 bicycle stands to serve the 9 flats.

In respect of the lower ground floor (basement level) and ground floor, it should be noted that the use of the building as a restaurant/cafe/coffee house, would not require planning permission since it falls within the same use class as a public house (A3 use class). As such, the proposed use of the ground floor and lower ground floor (basement level) will not be considered as part of the assessment of this application.

## PLANNING HISTORY

The most recent and relevant planning history is noted below:

P/03/0054 – Change of use from commercial use to residential use – Approved: 31<sup>st</sup> March 2003

## CONSULTATION

Engineering and Traffic Group Leader:	No objection.
Planning Division's Policy & Implementation Officer:	No objection.
Environmental Health Manager	No response.
Welsh Water:	No objection.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and 2 site notices were displayed within the vicinity of the premises.

A petition with 199 signatures and 5 letters of representation have been received which, in summary, raise the following concerns:

- 1 - The creation of flats and the operation of a business, to accommodate residents, staff, deliveries and customers, would significantly increase the demand for car parking and make parking very difficult in an already congested area;
- 2 – Each property along Angus Street already has 2 vehicles per household leaving the new tenants without any room to park, particularly since the visitors to the Aberfan Social Club already park on this street;
- 3 - The restaurant/coffee house/cafe in particular would result in additional smells, noise and disturbances to nearby residents. It will also result in a lot of rubbish which may attract rats and other animals;
- 4 – There is concern over the people who would reside in the flats;
- 5 - The re-use of the building would overlook neighbours properties and rear gardens preventing the private use of this space and undermine the safety of children;
- 6 – This development will devalue surrounding residential properties;
- 7 – The building is so dilapidated that renovation works will involve skips and construction vehicles which will again affect resident's accessibility and parking;

## POLICY CONTEXT

### National Policy

Planning Policy Wales (PPW) – Edition 9 (November, 2016)

Paragraph 9.1.1 states that in terms of new housing developments, the Welsh Government will seek to ensure that:

- Previously developed land is used in preference to greenfield sites;
- New housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- The overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Other relevant policy guidance consulted:

Technical Advice Note (TAN) 2 – Planning and Affordable Housing;

Technical Advice Note (TAN) 12 – Design;

Technical Advice Note (TAN) 18 – Transport;

Technical Advice Note (TAN) 23 – Economic Development

### Local Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

Policy BW3 – Development Strategy – Other Growth Areas

Policy BW4 – Settlement boundaries/location constraints

Policy BW7 – Sustainable design and placemaking

Policy BW8 – Development and the water environment

Policy BW12 – Development proposals and transport

Policy BW17 – Securing community infrastructure benefits

Policy AS22 – Affordable housing contributions

Policy TB11 – Access, parking and accessibility of local facilities

Supplementary Planning Guidance (SPG)

Note 1 – Affordable Housing (March 2012)

Note 2 – Planning Obligations (March 2012)

Note 4 – Sustainable Design (July 2013)

## PLANNING CONSIDERATIONS

This application, seeks to provide 9 one bedroom self-contained flats by converting the Mackintosh Hotel. The key considerations in the assessment of this application relate to the impact that the proposed development would have upon the character and appearance of

the existing building and the surrounding area, upon the privacy and amenity of neighbouring properties, and upon parking provision and highway safety.

### Principle of Development

The scheme seeks to provide 9 residential units, arranged over the first and second floors. The building lies within settlement limits. It is also located within walking distance of the retail centre of Aberfan and within walking distance of a number of local amenities and facilities, such as a community centre, a school and a social club. The application site is also located off the main road through Aberfan (Aberfan Road), which is a main bus route with a bus stop sited immediately opposite the application site. It is also located in fairly close proximity to a railway station. It is considered that the re-use and conversion of the existing vacant building, sited in a sustainable location, would assist in the regeneration of the area and relieve pressure for additional development on greenfield sites. The proposal is therefore compatible with the surrounding land uses and is an acceptable form of development which would accord with LDP Policies BW3 and BW4.

### Character and appearance of the area

The Mackintosh Hotel, is an attractive red brick (with rendered basement level) building located on a prominent corner plot, just off the main road through Aberfan. In order to convert the building it is necessary to carry out minor alterations to the external fabric of the building. This would include the addition of new windows and doors throughout the building, mainly within existing openings. New window openings however would be inserted in the projecting dormers on the second floor rear elevation. These would be consistent with the size and style of the existing openings and other proposed windows. These additional openings seek to provide additional light to serve flats 3 and 4 without having an adverse impact on the appearance of the building. Thus, the proposal does not involve significant external changes to the primary elevations of the building. As such, its historic and visually distinctive appearance, which positively contributes to the character and appearance of the area, would remain largely unaffected as a result of this application. Indeed, the re-use of a vacant dilapidated building, which would be largely retained in its current form, would benefit the visual amenity of the street scene. The development would therefore not detract from the character or appearance of the building or the wider street scene and would comply with LDP Policy BW7.

### Residential amenity

The proposed development has been considered in respect of its impact on the amenities of nearby occupiers. Some of the concerns raised refer to the potential overlooking into neighbouring properties and the potential for additional noise and disturbance.

The re-use of the building for residential purposes would not unduly compromise the amenities of nearby residents. It is noted that historically, the building has been used for functions and accommodation at first and second floors. The surrounding area is predominantly residential and the proposed use of the properties as flats would, in terms of noise and disturbance, have no significant detrimental impact on neighbouring residents.

It is acknowledged that the Mackintosh Hotel is a prominent building in the street scene and has a number of the window openings, serving the rear of the building in particular, which

although not directly facing, do overlook some of the neighbouring residential properties (such as 9, Angus Street and 1, Fronheulog Villas). In addition, three new window openings would be created at second floor level at the rear of the premises. However, given the distance between the properties and the applicant site, the relationship in terms of their siting and the fact that the majority of these windows relate to existing openings on this historic building, the proposal would not result in an unacceptable loss of privacy to the neighbouring terraced houses to the east, or the semi-detached properties to the south.

With regards to the use of the proposed rear parking area for 5 vehicles and associated vehicle movements to and from the site, it is considered that the level of activity would not be so significant as to give rise to an unacceptable level of noise or disturbance that would harm the amenities of surrounding residents. Furthermore if the building reverted to its previous use that could result in customers and/or guests parking in surrounding streets with similar, if not greater, impacts in terms of noise and disturbance.

As discussed above, there are no significant external alterations being proposed to the form and scale of the building and arguably the proposed residential use to provide 9, 1 bedroom flats, would be considered the least disruptive use to surrounding residential properties. As such, the proposal would accord with LDP Policy BW7.

#### Highway safety

Usually 9 off street car parking spaces would be required to serve 9, 1 bedroom flats. Due to the land available, in this instance, the proposed 9 flats would be served by 5 on-site vehicular parking spaces and 5 bicycle stands. These would be provided to the rear of the building, accessed off the rear lane.

The concerns raised by neighbouring residents with regard to the proposed use and the fact that it would exacerbate parking problems in the area are fully appreciated. However, the proposal has been considered in detail by the Engineering and Traffic Group Leader, who has not raised any objections to the proposed development. In arriving at this conclusion, careful consideration has been given to the key issues that affect this proposal. Notably, the established use, car and cycle parking provision, the location adjacent to a main road and bus route (with a bus stop opposite the application site), the proximity to a train station and the closeness to local amenities and facilities (such as shops, pharmacy, school and a community centre). Given that the application site is located in a sustainable location where many day-to-day facilities can be accessed on foot, by bicycle or by using public transport, residents may choose not to own a car. The five car parking spaces and five bicycle stands proposed are therefore considered acceptable to serve this proposal. Furthermore, in terms of off-street parking and traffic movements, it is considered that the permitted use could result in greater demand for on-street parking, particularly if functions were again held in the building. It should also be noted that the site currently has no off-street parking therefore the proposed conversion is beneficial in this respect.

Thus, in this instance, it is not considered that the development would have a detrimental impact on highway safety or significantly impinge on the free flow of traffic in the area and would comply with LDP Policies BW12 and TB11.

## Planning Obligations

Policies BW17 and AS22 of the Merthyr Tydfil Local Development Plan (LDP) 2006-2021 consider the requirement for planning obligations and affordable housing contributions on all residential schemes. On proposed residential developments of less than 10 units or where it can be demonstrated that on-site provision for affordable housing is not possible, the Council will require a financial contribution towards the provision of affordable housing elsewhere in the corresponding growth area of the LDP.

The requirement for an affordable housing contribution towards the proposed development has been assessed by the Planning Division's Policy & Implementation Group Leader. In this instance no planning obligations for the provision of affordable housing or any other contributions have been sought as this would likely render the development financially unviable. In order to come to this conclusion, an assessment has been carried out using the Three Dragons Toolkit.

## Responses to Representations

Many of the concerns raised by local residents have been considered above. Other concerns raised are addressed below:

If the ground and lower ground floor (basement level) is used as a restaurant/coffee house/cafe or any other A3 use and gives rise to smells, left over rubbish, noise and disturbance, these issues could be addressed by environmental health legislation and/or licensing, since the planning department have no control over such issues (i.e. such a use would not require planning permission).

The potential future occupiers of the proposed flats is not a matter that can be controlled by planning legislation and as such is not a material planning consideration in the assessment of this application.

The loss of value of residential properties is not a material planning consideration under the assessment of this application;

The refurbishment works could result in nuisances to neighbours, such as noise, disturbance and restricted access. However these issues are generally temporary and in this case, much of this work would be internal. Issues regarding noise and disturbance would generally be addressed by Environmental Health. Issues involving the blocking of accesses on the roads would be a matter for the Police.

## Conclusion

The determination of this application requires careful judgement of each of the issues that the application raises, with particular regard to balancing the merits of such a proposal against any harmful impact such a scheme may pose. Objections have been received in relation to the likely impact such a proposal would have on parking provision and highway safety issues within the locality. While such concerns are appreciated and have been considered, the historic use of the site would have generated significant traffic movements and demand for parking spaces (and could again, should the building be re-opened as a public house with accommodation). This proposal does cater for some off-road parking

provision and would bring this prominent building, located in a sustainable location, back into use, whilst retaining the building's character, which is considered to outweigh any negative impact of the scheme.

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 this respect, it is noted that the Council's Local Development Plan puts sustainability at its core. Delivering a mix of quality housing through the re-use of vacant buildings or brownfield land, within existing settlements, is key. 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.

Finally, having taken account of all the issues outlined above, the application is considered to be acceptable in planning terms and is in line with national and local policies.

Accordingly 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:

- A. 101 Revision C, received: 9th August 2018;
- A. 102, received: 1st August 2018;

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

3. **No flat shall be occupied** until space has been laid out within the site in accordance with drawing number A. 101 Revision C, for 5 off road vehicular parking spaces and 5 cycle stands. The vehicular parking spaces and stands shall thereafter be kept available for such purposes in perpetuity.

**Reason** - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

4. **No development shall commence** until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

**Reason** - To ensure adequate disposal of surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.