

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
6 MARCH 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.9
	APPLICATION NO: 13/1193, CHANGE OF USE FROM NURSING HOME TO GUEST HOUSE, ABBEYFIELD SOCIETY, 115 HIGH STREET, MOUNTAIN ASH

1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application.

2. RECOMMENDATION

That Members consider this report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 6th February 2014 (A copy of the original report is attached as **APPENDIX A**), where following consideration of the proposal, Members resolved to refuse planning permission, contrary to officer recommendation, as they considered that the development would result in an adverse impact upon highway safety in the vicinity of the site.

The details of the application are outlined in full in the original report to Committee; however, in summary the scheme seeks permission for the change of use of Abbeyfield Society, 115 High Street, Mountain Ash from a care home, which provided supported living to the elderly (Class C2) to a guest house (Class C1).

It is noted that following the advertisement of the planning application, a number of letters of representation were received from neighbouring residents expressing some concern with regard to the use and potential future occupiers of the property, should it begin to operate as a hostel. However, as set out in the original report, it is important to note that since the operation of a guest house and the operation of a hostel fall within different use classes; it is possible to differentiate

between the two. Furthermore, there would be no permitted change from a guest house to a hostel, without the submission of a further planning application. Overall, it was concluded that, the use, as a guest house, would be compatible with neighbouring uses and therefore acceptable in principle.

However, at the Development Control Committee on 6th February 2014, Members expressed concern with regard to the impact of the change of use upon parking provision and highway safety in the vicinity of the site.

At the meeting, Members expressed concern that the site does not benefit from sufficient off-street parking facilities and turning facilities and as a consequence, this would adversely impact upon highway safety in the vicinity of the site.

It is acknowledged that the proposed use as a guest house, would generate a greater parking requirement than the former use as a care home. However, it is noted that the layout plans, which accompany the application, illustrate that it is possible to provide off-street parking for 4.no vehicles within the curtilage of the site. Whilst the topography of the site means that the whole of the garden area could not be converted to parking spaces; the response from the Transportation Section identifies that there is scope to provide some additional parking on the lawn area, should the need arise in the future. It is also noted that on-street parking is available along the western carriageway of High Street and Bryn lfor.

In considering the current submission, it is also important to note that no adaptations are proposed to the means of access to the site. Therefore, the vehicular access, which serves the site, is the same as that which would have served the care home. Whilst it is acknowledged that residents of the former care home would have been unlikely to own their own cars, this parking area would have been used by both the staff and visitors that would have attended the property daily. Similarly, it is also important to note that Darran Road has a carriageway width of 6.0 metres with 1.4-1.5 metres footways, with Traffic Regulation Orders being in place that prevent on-street car parking on both carriageway lanes. It is noted that members have expressed some concern with regard to the fact that it may be necessary for vehicles to reverse onto Darran Road from the site. Whilst this point is acknowledged, it must be noted that, as a result of the parking restrictions, visibility for motorists exiting the site would not be restricted.

Overall, the assessment of the Council's Transportation Section concludes that, given the sustainable location of the property, the fact that existing Traffic Regulation Orders prevent parking in the vicinity of the road junction and the fact that off-street parking is available, the proposal is considered acceptable in highway safety terms.

To conclude, the scheme represents an opportunity to bring back into use a vacant building, which occupies a prominent position on High Street. Having taken account of all of the issues outlined in full in the original report to Committee, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses and its potential impact upon highway safety.

Having regard to the matters set out above, it is recommended that Members approve the application, in accordance with the original recommendation set out in the report attached as **APPENDIX A**.

Notwithstanding the above, if Members are still minded to refuse permission, the following reasons are presented for consideration.

The proposed development is considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in an adverse impact upon highway safety in the vicinity of the application site for the following reasons:

1. The proposed development would generate vehicular reversing movements in close proximity to the nearby road junction to the detriment of highway safety.
2. In the absence of adequate off-street car parking facilities, the proposed development would generate additional on-street parking in an area where there is already considerable demand, causing hazards to the detriment of safety to all highway users and free flow of traffic.

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APPENDIX A

APPLICATION NO: 13/1193/10 (EL)
APPLICANT: Mr M Lloyd
DEVELOPMENT: Change of use from nursing home to guest house
(supporting statement received 09/01/14).
LOCATION: **ABBEYFIELD SOCIETY, 115 HIGH STREET,
MOUNTAIN ASH, CF45 3LN**
DATE REGISTERED: 18/11/2013
ELECTORAL DIVISION: Mountain Ash West

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the use is compatible with the area and would not result in an adverse impact upon on residential amenity, the character of the area or highway safety.

APPLICATION DETAILS

Full planning permission is sought for the change of use of Abbeyfield Society, 115 High Street, Mountain Ash from a care home, which provided supported living to the elderly Class C2 to a guest house Class C1.

The application does not propose any external alterations to the building, similarly, the existing internal configuration would also be retained, since it lends itself to the proposed use. The accommodation is arranged over three floors, with 4 bedrooms and a conservatory on the lower ground floor. A further 4 bedrooms, laundry room, kitchen and dining/ living room are located on the ground floor. A self-contained 2 bedroom residential unit is located at first floor level.

The property is located within a curtilage of approximately 580m², with a garden to the south side of the property and a parking area to the rear. The parking area is accessed off Darran Road, which bounds the north of the plot.

SITE APPRAISAL

The application site consists of a substantial building, located within a curtilage of approximately 580m². The building occupies a position on the junction of High Street and Darran Road. The original front element of the building has a cross gable roof construction, with feature two storey bay; however to the rear, the property has been extended by the construction of a substantial two storey – two and a half storey addition. The property most recently operated as a care home, providing supported living accommodation

to the elderly. The property benefits from 8 no. bedrooms, with a kitchen and laundry room, and communal dining and lounge room. At first floor level is a self-contained two-bedroom residential unit, although this is accessed through the main house. The primary pedestrian access is to the front elevation, from High street, with a secondary access located at the rear of the property from the car park. To the south side elevation is a lawned garden area, with a parking area being located to the rear. Vehicular access to the parking area is gained off Darran Road, which bounds the north (side) of the site. The property is located within a predominantly residential area, with a mix of housing styles being visible in the immediate vicinity of the site.

PLANNING HISTORY

There is no recent planning history on the site in question.

PUBLICITY

The application was advertised by direct neighbour notification and site notices. Three letters of representation have been received and a petition which is signed by 11 residents. The points raised are summarised as follows:

- Questions are raised with regard to the number of residents that have been directly consulted on the planning application.
- Questions are raised with regard to the local councillors views on the proposed development.
- It is suggested that the application should be determined at a Planning Committee.
- Concerns are expressed that the application may be an attempt to secure a consent to operate an unregistered and unregulated homeless or bail hostel in the guise of a guest house.
- Concerns are expressed with regard to the type of people who may reside at the property, potentially those with drink or drug addictions.
- It is commented that the property is located in a residential area and lies in close proximity to a junior and infants school.
- It is commented that if the application property is to be used as a homeless or bail hostel then this would have the potential of being severely dangerous to local residents and their property and especially the children who attend the nearby school.
- Clarification is sought as to whether the Council currently use properties provided by the applicant or his registered company to provide homeless or other temporary accommodation. Clarification is sought as to whether any discussions, between the Council and the applicant, of this nature have taken place.
- Clarification is sought as to whether the Council is looking to provide any homeless or other temporary accommodation in the Mountain Ash area (in addition to those already available at the Mountain Ash YMCA).
- It is commented that the site does not have sufficient parking available.

- The additional vehicles and traffic would add to the existing parking problems in the area.
- It is commented that junction of High Street and Darran Road is busy and vehicles already have difficulty manoeuvring from this junction.
- It is suggested that the use of 'residents permit parking' may benefit existing residents.

CONSULTATION

Transportation Section – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the defined settlement limits.

Policy AW2 - promotes development in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - sets out the criteria for new development in terms of design and place-making.

Policy NSA12 - sets out the criteria for development in the Northern Strategy Area.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 7 (Economic Development) and Chapter 8 (Transport), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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.

The application property lies within settlement limits and within an established residential area. The proposal seeks to bring back into use a vacant building and site through the provision of a new use as a residential guest house. As such, the key issues in determining the application are considered to be:

- The impact of the proposed change of use upon the residential amenities of neighbouring properties.
- The impact of the development upon the character and appearance of the surrounding area
- The impact of the proposal on highway safety.

Residential amenity

The property is a substantial building, with the area that immediately adjoins it being predominantly residential in character. As such, it is important to consider the potential impacts of the proposal upon the levels of amenity that neighbouring occupiers currently enjoy and the compatibility of the proposed use.

As set out above, the property previously operated as a care home, providing supported living accommodation for the elderly. The current application proposes to retain the existing layout, changing the use to that of a guest house. Following the advertisement of the planning application, a number of letters of representation were received from neighbouring residents expressing some concern with regard to the use and potential future occupiers of the property, should it begin to operate as a hostel.

In response to the concerns raised, it is firstly important to note that although there may be some similarities between a guest house and a hostel, each falls within a different use class. Under the Use Classes Order, a guest house is categorised as Class C1, however, a hostel is categorised as sui generis (in a Use Class of its own). As such, there would be no permitted change from a guest house to a hostel, without the submission of a further planning application.

Case law has identified a number of key features, which may be used to distinguish between the two uses and identify whether a premises functions as a hostel. Amongst others these include, the use of the premises in accommodating specific categories of people, eg. the young, or homeless and whether payment (for residents) is made by the local authority or other official organisation.

In order to respond to the points raised by residents and to clarify the nature of the use, which is proposed, a number of clarifications were sought from the applicant. These were based on the above points and related to the way in which the proposed business would operate. In their clarification statement they confirm that their intention is to provide a guest house establishment under Class C1. With a view to clarifying the current situation, they confirm that they do not intend to operate the business as a hostel and would not seek to provide accommodation to specific groups such as the homeless. The applicant comments that the business would function on a bed and breakfast basis and would be operated as a family enterprise, with the owners being resident in the self-contained unit within the property.

In assessing the proposal as a guest house, which provides bed & breakfast accommodation to residents, it is considered that this use would be compatible with neighbouring uses, as the property is situated within a predominantly residential area. Furthermore, given the scale and character of the business proposed it is not considered that the use would generate a level of activity, noise or disturbance that would impact upon the residential amenity of those living closest to such a degree that would warrant the refusal of the application.

Occupancy

The public safety concerns and the perception of danger, resulting from residents concerns with reference to potential future occupiers are acknowledged, and it is noted that such matters do form material planning considerations that may be taken into account when determining the application. However, consideration must be given as to whether or not these perceived fears carry sufficient weight to justify refusal of the scheme, given the facts of the application.

In this case, given the scale of the development and the statements of clarification provided by the applicant, it is considered that the actual, as well of the perceived risk to public safety is considered to be of a low order and of insufficient weight to warrant the refusal of planning permission. It is again noted however, that any future potential change of use from a guest house to a hostel would require planning permission, the merits of which would be assessed through the course of any subsequent planning application.

Character and appearance

As set out above, having formerly been in use as a care facility, the layout of the building lends itself well to the proposed conversion to a guest house. The building layout provides 8 no. bedrooms, each with their own w.c. facilities, as well as a number of communal areas (lounge and dining) and a staff kitchen. In addition to this an independent unit of accommodation is located on the first floor of the property, which would be occupied by those operating the guest house. As such, the property lends itself to the proposed use without the need for any modifications to the building. With no physical alterations to the exterior of the property, the character and appearance of the building and the setting of the site would be largely unaffected by the proposal. Therefore, it is not considered that the proposal would adversely impact upon the established character of the streetscene.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that the site is situated in a sustainable location, being within walking distance of public transport services and local amenities. However, it is acknowledged that given the topography of the streets leading

to the site, less able-bodied guests would more likely travel by private motor vehicle.

In terms of the site's setting, the property is located on the junction of High Street and Darran Road. It is noted that Darran Road has a carriageway width of 6.0 metres with 1.4 - 1.5 metre footways and High Street has a carriageway width of 6.6 metres with footways of between 1.8 and 2.8 metres. It is also commented that Traffic Regulation Orders are in place preventing on-street car parking on both carriageway lanes on Darran Road and on the development side (east) of High Street. Both streets also have a 20mph speed limit.

It is acknowledged that the proposed use as a guest house, would generate a greater parking requirement than the former use as a care home. However, it is noted that the layout plans, which accompany the application, illustrate that it is possible to provide off-street parking for 4.no vehicles within the curtilage of the site. The response from the Transportation Section also comments that there is scope for this parking area to be extended (onto the lawn area) in future, should the need arise.

Overall, their assessment concludes that given the sustainable location of the property, the fact that existing Traffic Regulation Orders prevent parking in the vicinity of the road junction and the fact that off-street parking is available, the proposal is considered acceptable in highway safety terms.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses and its potential impact upon highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

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 premises shall be used as a guest house under Class C1 only and for no other purpose (including its use as a hostel and any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the residential amenity and to define the extent

of the permission granted in accordance with policies AW5 of the Rhondda Cynon Taf Local Development Plan.

3. The parking area shall be retained in accordance with drawing no. hdw/ph/ml.001 and used only for the parking of vehicles.

Reason: In the interests of highway safety.

4. Construction works on the development shall not take place other than during the following times:

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

6 MARCH 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO.: 13/1193,
CHANGE OF USE FROM NURSING
HOME TO GUEST HOUSE,
ABBNEYFIELD SOCIETY, 115 HIGH
STREET, MOUNTAIN ASH**

OFFICER TO CONTACT

**Miss E LEWIS
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See Relevant Application File