

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
7th July 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No.
APPLICATION NO: 21/1237/10 – Change of use from hotel, takeaway and bar/restaurant to C2 residential care home, with associated landscaping and access. (Air Quality Report received 10th January 2022) at Diamond Jubilee Hotel, East Road, Tylorstown, CF43 3HE.	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the 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 Planning and Development Committee meeting of 17th March 2022. A copy of the original report is attached as Appendix A.

Members resolved that they were minded to refuse the application, contrary to the recommendation of the Director for Prosperity and Development, due to concerns about overdevelopment, the amenity of future residents and issues relating to traffic, parking and access arrangements.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The development would occupy a sustainable location within the settlement boundary, close to public transport and some local services, and as the original report highlighted, the principle of the change of use to a care home was

considered acceptable in general policy terms. Nevertheless, the material concerns expressed by Members during their debate of the application are acknowledged and set out below:

The property is located on a constrained site adjacent to a busy road and close to a roundabout. Although the outlook from the front of the building would afford good views across and down the Rhondda Fach Valley, this would not apply to the living accommodation facing the rear of the site, which would face a steep hillside.

In addition, notwithstanding the conclusions of the Air Quality Assessment submitted at the request of the Council's Public Health and Protection division, the proximity of the building to the road means that the immediate outlook and setting is less agreeable.

As a result, there would be significant potential for future residents occupying rooms at the front of the building to be affected by noise caused by traffic movements. The submitted floor plans also demonstrate that such residents would not have access to alternative private space from which to avoid any disturbance.

Furthermore, whilst some residents in receipt of care may have access to their own vehicles or be in a position to make use of local bus links, it is likely that others would not benefit from the same kind of mobility. Therefore, not only would they not be able to get out and about, but there is less likelihood that they would be able to use the external amenity space due to the steep topography of the rear garden area.

Noting that the proposed development would accommodate approximately 30 individuals, the ground floor shared space would be of a limited size. Whilst Members acknowledged that standards of care provision are regulated by other governmental bodies and legislation, use of the site for this number of residents underlines concerns that the proposal would represent an overdevelopment of the site.

Consequently, where the intensity of use, nature of accommodation and absence of facilities may be less of an issue for the kind of short-term or temporary stays associated with a hotel, the proposed development would be a long term home for residents, where the aforementioned considerations about the quality of the accommodation and amenity of future residents are germane.

Members also raised concerns relating to the inability of the proposed development to provide any off-street parking. It was noted that since a previous application for 7no. flats was allowed on appeal (ref: 08/0659/10) traffic and car ownership levels have steadily increased.

Therefore, in addition to the impact of those rising traffic levels upon the amenity of future residents living in the building, it was considered that the parking demand

created by residents, staff members and visitors, as well as visiting professionals and service vehicles, could not be satisfactorily accommodated within the existing well-used public car park or highway network, without causing detriment to highway safety and the surrounding area.

If Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

The proposed development is unable to demonstrate provision of adequate off-street parking facilities for residents, staff and visitors commensurate with the scale and intensity of its use. Consequently, the creation of demand for on-street parking in the vicinity of the site would be harmful to highway safety, the free flow of traffic and the amenity of neighbouring occupiers.

Furthermore, the proposed accommodation would either be in close proximity to a busy highway or suffer from poor outlook, which together with limited facilities and external space, would create a poor quality living environment to the detriment of future residents of the proposed care home.

The development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG for both Access, Circulation and Parking Requirements, and Design and Placemaking.

PLANNING & DEVELOPMENT COMMITTEE

17th March 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1237/10 (GH)
APPLICANT: LZJ Properties Ltd
DEVELOPMENT: Change of use from hotel, takeaway and bar/restaurant to C2 residential care home, with associated landscaping and access. (Air Quality Report received 10th January 2022)
LOCATION: DIAMOND JUBILEE HOTEL, EAST ROAD, TYLORSTOWN, CF43 3HE
DATE REGISTERED: 13/09/2021
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The application site is located within a residential area and in a sustainable location within the settlement boundary.

It is considered that a residential use of the site, for the care purposes identified, would be compatible with the surrounding dwellings and not harmful to the amenity of existing neighbouring residents.

In addition, the reuse of the building would result in a significant improvement in the appearance of the site and surrounding street scene.

REASON APPLICATION REPORTED TO COMMITTEE

3 letters of objection have been received, and a request has been received from Councillors Robert Bevan and Mark Adams so that the Committee can fully consider the following issues:

- Lack of car parking including for visitors such as health and social care workers

- Development site is on a busy roundabout which will make deliveries difficult
- No disabled facilities or access
- C2 classification covers more than just care facilities
- How will refuse and recycling be collected
- No outdoor amenity space available

APPLICATION DETAILS

Full planning consent is sought for a change of use of the former Diamond Jubilee Hotel, East Road, Tylorstown, to a residential care home.

The building has been vacant for a considerable period of time but, in addition to its main past use as a hotel, had accommodated a bar, restaurant and food takeaway as ancillary functions.

The proposal does not involve any significant external changes to the property, or any new construction, save for the replacement of any rotten fixtures and fittings. Most of the work relates to the refurbishment of the building and the installation of a new sliding gate to the small yard area, neither of which would require planning consent.

However, the internal accommodation would be arranged to provide 20 x single bedrooms and 5 x double bedrooms, to house a maximum of 30 people in need of care. There would be a shared lounge/dining/recreational space, as well as a separate staff area, and the building could also be used to provide day care.

The Applicant's Agent has advised that the proposal means that the units of accommodation can work for a wide variety of special needs. As drawn, they would be less suited for severe needs such as senile dementia, but once the principle of the C2 care use has been agreed there is scope for internal revision.

In addition to the plans and elevation drawings accompanying the application, a Planning Statement and topographical survey have been submitted. An Air Quality Report was later submitted following a consultation response, as outlined further below.

SITE APPRAISAL

The application property is located on East Road towards the southern part of Tylorstown and is in close proximity to a roundabout which connects East Road, Penrhys Road and Pleasant View.

The former hotel is a prominent Victorian building, the principal elevation of which faces east and is immediately adjacent to the highway. The internal accommodation is arranged over four floors, three of which are above ground.

It is understood that in addition to its use as a hotel the ground floor has previously been used for a bar, restaurant and takeaway food, and although there is no off-street parking provision at the site, there is a small, gated yard to its southern side.

There is a significant rise in land levels towards the rear of the building such that the ground is retained by a tall stone wall, beyond which is a steep vegetated bank. This bank is connected to the first floor of the hotel by a bridge/walkway.

The surrounding development consists primarily of terraced dwellings of the same era, although a Lidl supermarket and Primary School are within a short distance to north-east. The site is located within a Registered Landscape of Outstanding Historic Interest in Wales, but there are no environmental or policy designations of specific concern to the site.

PLANNING HISTORY

The most recent or relevant planning applications on record associated with either the whole or part of this site are:

21/5082/41: Pre-app advice. Decision: 26/08/2021, Raise no objection.

08/0659/10: Conversion of building to 7no. flats, alteration to roof, erection of a single storey rear extension and storage sheds, and external alterations. Decision: 29/09/2008, Refuse (Granted at appeal, 17/07/2009).

PUBLICITY

The application has been advertised by direct notification to twelve neighbouring properties and notices were displayed on site.

Letters of objection have been received from three residents raising concerns in respect of the following:

- My objection relates purely to the provision of parking. As a next door resident to the proposed development the addition of cars for staff and visitors will add to the already limited parking available to residents.
- My concerns are related around the car parking, there are currently only just enough (and occasionally not) enough parking spaces in the car park outside the Jubilee Hotel.
- Parking is already limited for the residents who live on Penrhys Road and Pleasant View.
- The application seems to be for a C2 residential care home, this brings to mind an old peoples home but in the extra documentation it is also referenced to as a C2 special-needs residential hostel, it also mentions severely handicapped persons of varying ages, and those with special needs related to mental health or learning difficulties.

CONSULTATION

Highways and Transportation

No objection or condition recommended.

Flood Risk Management

The site location plan identifies that the existing site boundary is a Brownfield area. The site appears to be situated near to a low and medium surface water flood risk area caused by a pluvial conveyance route.

From a flood risk perspective, the applicant has proposed a change of use which does not increase the footprint of the building and does not increase the impermeable area.

There is no objection or recommendation for condition in relation to surface water flood risk for this application since it will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

Public Health and Protection

Conditions are recommended in respect of demolition, hours of operation, noise, dust and waste. However, since these matters would be better addressed by existing Public Health legislation, it is considered that an informative note would be more appropriate.

In addition, the mitigation measures set out in section 6.1 of the Air Quality Assessment should be implemented during the construction phase of the development.

Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

Countryside – Ecologist

The Applicant's Architect has stated that the development would not affect the loft or roof space of the building, in which case the bat survey protocol would not be triggered. However, as a precaution an appropriate bat informative note should be appended to any planning permission

Waste and Recycling

No objection, bin collection points should be at the front of the building on East Road.

No other consultation responses have been received within the statutory period.

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 LPD 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 Tylorstown.

Policy CS1 - Development in the North: seeks to build strong, sustainable communities. This will be achieved through promoting residential development in locations which reinforce the roles of the Principle Towns and Key Settlements.

Policy AW2 - seeks to ensure that development is in sustainable locations. The policy sets out criteria which defines these locations, these include but are not limited to the following:

- Are within the defined settlement boundary.
- Would not unacceptably conflict with surrounding uses.
- Have good accessibility by a range of transport options.
- Have good access to key services and facilities.
- Support the roles and functions of the Principal Towns and Key Settlements and smaller settlements.

Policy AW4 - notes that planning obligations may be sought to make development proposals acceptable in land use terms.

Policy AW5 - identifies the appropriate amenity and accessibility criteria for new development proposals; it expressly states that the scale, form, and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. The development would need to demonstrate safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Additionally, proposals must be designed to protect and enhance landscape and biodiversity.

Policy AW8 - seeks to preserve and enhance the County Borough's natural environment and heritage. This includes SINC designations. Development proposals will only be permitted where they would not cause harm to the features of the SINC subject to criteria.

Policy AW10 - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

Policy AW11 – alternative development proposals for existing employment and retail sites will be permitted subject to criteria.

Policy NSA13 - supports the reuse and conversion of large buildings for residential purposes if located within the settlement boundary, the building is of merit and there are no viable alternative uses.

Supplementary Planning Guidance

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- Planning Obligations
- Affordable Housing
- Nature Conservation

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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that 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: The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure.

Policy 9 - Resilient Ecological Networks and Green Infrastructure: action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals.

SE Wales Policies

Policy 33 - National Growth Area - Cardiff, Newport and the Valleys: Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;

Manual for Streets

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

The development comprises a proposal to convert the former Diamond Jubilee Hotel at East Road, Tylorstown to a residential care facility, with a possible element of day care.

The property is situated in the Northern Strategy Area within the defined settlement boundary where the development of unallocated sites is supported by LDP Policy AW2.

As noted further above, the property is a short walking distance from a range of local services and facilities, including a supermarket. The site would also be accessible by sustainable transport modes including bus, foot and bicycle, with connections to the rail network available at Porth.

Also, with regard to Policy AW2, a residential use of the property would be compatible with the surrounding residential development and is not subject to any environmental

constraints, such as location within a flood zone. This means that the site can be considered a sustainable location, as defined by the LDP.

Whilst no specific end user has yet been identified for the proposed scheme, Use Class C2 'Residential Institutions' incorporates residential accommodation and care to people in need of care, such as residential schools, colleges or training centres, hospital or nursing homes. It does not include any kind of secure residential accommodation or house in multiple occupation.

The site constitutes previously developed land. Policy CS1 supports the re-use of under-used and previously developed land and buildings, as a way of dealing with dereliction. Likewise, Policy AW11 is supportive of such alternative developments for units with past employment and retail uses.

In this case, since the building has been vacant for so long and the refurbishment and re-use of the building would significantly enhance the site and immediate area, no evidence of marketing or similar justification would be required.

In principle therefore, the development would be considered acceptable and be compliant with both LDP and national planning policy. In respect of the latter, Chapters 2 and 3 of PPW11 are supportive of proposals which make use of previously developed sites, and the economic benefits generated by the care sector are also acknowledged.

Impact on the character and appearance of the area

As noted further above, the appearance of the building would be subject to some limited modification as part of the refurbishment necessary to bring it back into a habitable state, although its overall form and scale would remain unaltered.

The property is not subject to listing; however, it is still of historical interest, occupies a prominent position in the street scene, and relates to other neighbouring properties of the same era. Consequently, any proposals to retain the building are welcomed.

Noting the detrimental visual impact that boarded-up and evidently disused buildings can have on a neighbourhood, together with their associations with a sense of decline and anti-social behaviour, it is considered that the development would greatly benefit the character and appearance of the site and street scene.

Impact on neighbouring occupiers

On account of there being no structural changes or extensions outside the footprint of the property, the physical relationship between the former hotel/bar/restaurant/takeaway and the neighbouring dwellings would be the same.

Furthermore, whilst the submitted site layout plan shows that the steep bank to the rear of the site could be used for sitting out, by the placement of benches, use of this amenity

space would not require consent. Therefore, in respect of residential outlook and privacy, no material change would be caused by the development.

Whilst the three objectors raised concerns in respect of parking, which are considered in the succeeding section of the report, no concern was raised about the proposed care use, with the exception of an observation that a C2 use does not relate solely to what might be perceived as an 'old people's home'.

This is indeed the case, as the scope of Use Class C2 covers both establishments providing residential care as well as residential accommodation, such as boarding schools.

Nonetheless, residential care provision is considered to be a far more sympathetic neighbouring use for the existing residents of East Road, than a fallback to one of the hospitality elements of the lawful established use.

Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Access and highway safety

Access

The existing building fronts onto East Road which has traffic regulations on both sides preventing on-street car parking taking place. Opposite the site is a public car park.

Above and to the rear of the site is a single width access lane. The lane to the rear is accessed from Brondeg Street which is maintained at public expense for part of its length, is private thereafter and in a poor state of repair.

There are no passing facilities located on the single width lane and there is concern regarding the poor state of the existing resident's boundaries / retaining walls and their ability to withstand vehicular loading.

However, the lane does not fall within the red line area and there is no proposal to provide any rear vehicular access or undertake any works which would require the benefit of planning consent.

Parking

The Council's SPG for Access, Circulation and Parking advises that for residential children's homes / homes for elderly persons / nursing homes 1 space per resident staff, 1 space per 3 non-resident staff and 1 space per 4 beds are required.

The proposed facility would provide for 25 residential units (plus staff facilities), together with activity space located within the basement which could potentially be used as a community facility.

The applicant has indicated a maximum of 12 staff members will be present at any one time with no resident staff due to 8-hour shift patterns. This would result in a maximum off-street car parking requirement of 11 spaces in accordance with the SPG with none provided, only a drop off / pick up area, which gives some cause for concern.

Notwithstanding the above, it is noted that a previous application for 7 flats, reference 08/0659/10, was refused by Members for the reason that the proposal would not provide adequate car parking provision for the conversion of the property into residential dwellings. However, the subsequent appeal was allowed, and the Inspector concluded that the fall-back use of the existing building as a hotel and restaurant would require considerably more off-street car parking spaces (38) than the proposed flats (16), with none provided.

Therefore, while there is concern regarding the lack of off-street car parking facilities, taking into account the previous use of the building, the aforementioned, allowed appeal decision, the nearby public car park and the existing traffic regulations which maintain the free flow of traffic, the proposed scheme is, on balance, considered acceptable in this respect.

Public Health

Initially, the Council's Public Health and Protection Division highlighted a concern that the development property is within 10m of a road with traffic flows in excess of 10000 AADT (Annual Average Daily Traffic Flow); thus, future residents could be affected by poor air quality.

Since not all habitable rooms would be set back further than 10m from the nearest carriageway edge the Applicant's Agent was requested to submit an Air Quality Assessment and to identify any mitigation measures required.

Such a report was submitted, and Public Health officers have advised that the development would be acceptable, subject to the construction measures outlined in section 6.1 of that report. In that regard, a condition is recommended requiring the development to be carried out in accordance with those measures.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further below, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the location and would contribute to the provision of community-based local care within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is within walking distance of the main bus route and some local shops and services. Being within the settlement boundary it is considered to be a sustainable location. There is public open space within a short distance of the site and the development would provide safe accommodation and, as a care facility, would promote mental well-being.
- **Making Best Use of Resources:** The development would result in the use of previously developed land and would have regenerative benefits due to its support of construction jobs and the permanent care positions associated with the proposal.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would foster economic activity.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014, and the scheme is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended.

However, the site is located within CIL Zone 1 where a £nil charge would be applicable and therefore no CIL would be payable.

Conclusion

The proposed residential care facility would be unlikely to have a detrimental impact upon the residential amenity of the surrounding neighbouring properties. Further, the beneficial re-use of the building would constitute a significant improvement to the appearance of the site and therefore, given its prominent location, the wider street scene.

The issues relating to the adjacent highway network and the limited parking available are of concern and such the constraint is comparable to other developments considered

previously by Members, where a large unused building, from a different era, is proposed to be put to a new use.

However, both the off-street parking requirement of the established use and the previous appeal decision in relation to the 7 flats, carry material weight, since both of these uses would generate a greater off-street parking requirement than the care use now proposed.

In the planning balance, therefore, the off-street parking situation is not determined to be of sufficient detriment to justify a reason for refusal. The application is therefore considered to comply with the Local Development Plan policies outlined within the body of the report.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

CONDITIONS

1. 1A2 Time limit
2. 1A5 Plan numbers

The development hereby approved shall be completed in accordance with the approved drawings and documents:

- 2028.PL02B
- 2028.PL03A
- 2028.PL04
- 2028.PL05
- Air Quality Assessment (Viridian Air 10th December 2021)

and details and documents received on 7th September 2021 and 10th January 2022.

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

3. UNQ Air Quality

The development shall be carried out in accordance with the proposed mitigation measures outlined within Section 6 of the Air Quality Assessment undertaken by Viridian Air and dated 10th December 2021.

Reason: In the interests of public health and the amenity of neighbouring residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.