

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to:	Planning, Regulatory & General Licensing Committee
Report Subject:	<i>Application:</i> C/2021/0103 <i>Site:</i> Former Job Centre, Tredegar <i>Proposal:</i> Conversion of former office into 11 room bed and breakfast facility with residential unit, associated parking provision with internal and external alterations and decking
Report Author:	Service Manager Development & Estates
Directorate:	Regeneration and Community Services
Date of meeting:	14 th October 2021

1.0	Purpose of Report
1.1	At the September meeting of this Committee, Members considered a report for the conversion of the Former Job Centre in Tredegar to an 11 room bed and breakfast unit with associated parking provision, internal and external alterations.
1.2	The officer recommendation was that planning permission be granted subject to conditions. This was based on the fact that the location of the proposed facility is considered acceptable and that there were no substantive matters raised by consultees that could not be addressed by the imposition of suitably worded planning conditions.
1.3	Following a vote, the Planning Committee resolved to defer the application for a further report to consider the issues raised by Members and to seek responses from Gwent Police, South

	Wales Fire Service and Tredegar Town Council relative to the application.
2.0	Background & Context
2.1	Members raised a number of concerns in relation to the application which are summarised and considered below:
2.2	<u>Lack of responses from third parties</u>
2.3	No comments were received from Gwent Police, South Wales Fire Service and Tredegar Town Council following initial consultation of the application. At the Members request further consultations were carried out with these organisations and the responses have been attached as appendices to this report. The matters raised in the responses are dealt with below.
2.4	<u>Concerns regarding Parking/Highway safety</u>
2.5	Concerns were raised at Committee that there is insufficient parking for the proposed development and that it may result in on-street parking and the subsequent obstruction of the fire station.
2.6	Parking restrictions are in place along the frontage of the fire station which can be enforced by the Police. There is no reason to believe that the use of the premises as a Bed and breakfast would result in any obstruction. I also note that the fire service has not objected to the proposal.
2.7	In addition to the 8 car parking spaces proposed within the application site there is a large public car park the rear of the building. The Highway Authority have confirmed that the development meets the Council's adopted parking standards and has not objected to the application. I do not consider that refusing the application on the grounds of lack of parking could be justified.
2.8	<u>Location issues</u>
2.9	Concerns were raised that the proximity of the site next to a fire station would have an unacceptable effect upon the amenity of residents/visitors. It is not unusual for Fire Stations to be located with residential areas, I do not consider this to be a justifiable reason for refusal. Furthermore, it would be the choice of the customer whether they wish to stay at the property.

2.10	<u>Problems experienced from similar nearby establishments</u>
2.11	I note the concerns raised by Members, Gwent Police and Tredegar Town Council which refer to problems experienced at two “similar” businesses in the Town Centre. The Police response refers to both of these properties as bed and breakfast. However, from a planning perspective this is not the case.
2.12	The Chambers has planning permission for a hostel (which falls within a sui generis use). Recent investigations by the Planning Compliance Officer have confirmed that the premises are being run in accordance with its planning permission.
2.13	The Punch House Flats received planning permission in 1988 for conversion of the building to flats. There have been no subsequent permissions relating to the use of building. If as suggested by the police, the building is operating as a guest house then this can be investigated by the Planning Compliance Officer.
2.14	In terms of the perceived use, I must reiterate that the application before Members is for a <u>Bed and Breakfast facility only</u> which falls within a Class C1 use. Any subsequent change of use of the premises to a hostel would require planning permission. However, in acknowledgement to the Members concerns conditions can be added to the permission restricting its use and to restrict the number of nights’ residents can occupy the premises.
2.15	As outlined above the two premises referred to are different in nature to the current proposal and any issues or problems resulting from the operation of these other facilities are not material planning considerations in the determination of this application.
2.16	Concerns were also raised at the meeting that there were problems being experienced in another borough in a property owned/operated by the applicant. This is not a material planning consideration.
2.17	<u>Impact on the Conservation Area and detrimental to the Tredegar Heritage Initiative</u>
2.18	I am unclear as how the proposal would have a detrimental impact upon the area. It is acknowledged that the building has

	<p>no architectural merit. However, it is an existing building within the Conservation Area the reuse and improvement of the visual appearance should be welcomed. The application needs to be determined as submitted.</p>
2.19	<p><u>Community Impact and impact on businesses</u></p>
2.20	<p>Concerns were raised by Members that the proposal would have a negative impact upon the community and on businesses. However, no explanation was given as to how. If it was based on the behaviour of future occupiers of the business this would be extremely difficult to justify a reason for refusal in planning terms. Any reason for refusal on these grounds would need to be specific in nature and related to planning matters.</p>
2.21	<p><u>Clarification of use</u></p>
2.22	<p>In my initial report to the Planning Committee I advised Members that any future use of the guest house as a hostel would require planning permission. This was reiterated verbally during the meeting by the Team Manager Development Management.</p>
2.23	<p>To provide some additional context, there is no definition of a hostel in planning law. However, it is accepted as a wide ranging term meaning, a residential establishment where unrelated people live together for various purposes, mainly arising from a need for shelter or rehabilitation. Such a use is a sui generis use which sits in a class of its own.</p>
2.24	<p>The proposed Bed and Breakfast falls within a Class C1 use. Circular 03/2005 defines a C1 use as a premises which provide a room as a temporary accommodation on a commercial fee paying basis where meals can be provided but where residential care is not.</p>
2.25	<p>Whilst the term temporary may be open to interpretation Bed and Breakfasts are not normally used as a resident's main residence, whereas a hostel may well be the residents only place of abode.</p> <p>These subtle but distinct differences ensure that there is control over any future use of the premises.</p>

2.26	<u>Conclusion</u>
2.27	<p>If planning permission is refused, then Members must be mindful of important issues and consequences:</p> <ol style="list-style-type: none">1. Consideration of the merits of the application must be limited to relevant planning matters. That is a legal requirement.2. If planning permission is refused, the reason(s) must be clear and unambiguous.3. The reason(s) for refusal must be capable of being defended at an appeal. This will require evidence.4. Each reason for refusal must stand on its own merit. The case is not made stronger by virtue of the number of reasons given. It is preferable to use one defensible reason where evidence can be produced rather than multiple reasons of questionable validity. Failure to justify each and every reason is important at an appeal; costs can be awarded in respect of an unjustified reason(s) even if the appeal itself were to be dismissed.
2.28	<p>This Council has been the subject of a number of costs awards in recent times for refusing planning permission where Planning Committee has been unable to defend that decision with evidence. These costs awards are mounting up and are significant. There is no budget to meet this expenditure.</p>
2.29	<p>I must place on record my concern that an unsustainable refusal of this application again places the Council in a position where a costs award is a realistic prospect. Reliance on anecdotal evidence or “local knowledge” is insufficient.</p>
2.30	<p>Democracy is built into the system in that Planning Committee is comprised of elected representatives. However, Planning Committee does not decide applications by way of a “referendum”. A Member of Planning Committee must represent the wider public interest. In doing this they must have regard to planning policy, relevant planning matters and the advice of the planning officer and other consultees.</p>

2.31	The fact that there are objectors to a planning application is itself a material consideration. However, it is not determinative. Members should have regard to the volume of correspondence and in my view, more importantly the matters raised and attach weight as they see fit. Placing undue weight on any one consideration (including the views of the public) amounts to flawed decision making.
3.0	Recommendation
.	<p>My recommendation to Committee remains the same as my previous report, that planning permission should be GRANTED subject to conditions.</p> <p>To address Member's concerns relating to the use of the premises it is proposed to add additional conditions (see conditions 3, 4 & 5 below). In my view these conditions will build in additional controls and restrictions which address the Members concerns over control over any future use of the building:</p> <ol style="list-style-type: none">1. The development hereby permitted shall be completed in accordance with the following approved plans:<ul style="list-style-type: none">• Proposed block plan: Plan 2 of 3 dated March 2021• Proposed elevations: Plan no 3 of 3 dated March 2021• Site Location Plan<p>Unless otherwise specified or required by any conditions listed below, Reason: To define the scope of this permission</p>2. Notwithstanding the details on the approved plan prior to their application details of the proposed finishes shall be submitted for the approval of the Local Planning Authority. All works subsequently implemented shall be undertaken in full accordance with approved details before the use hereby approved is implemented. Reason: In the interests of visual amenity3. The premises shall be used as a Bed and Breakfast with staff accommodation only and for no other use including any other use in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 [or in any provision

equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification].

Reason: To ensure that no alternative use is made of the premises that may cause harm to amenity.

4. The development (with the exception of the staff accommodation) shall be occupied as short term accommodation only and shall not be occupied as a person's sole or main residence or by any persons exceeding a period of 28 days in any calendar year.

Reason: To ensure that no alternative use is made of the premises that may cause harm to amenity

5. An up-to-date register containing details of the names, main home address, dates of arrival and departure of occupants using accommodation shall be made available for inspection by the Local Planning Authority upon request.

Reason: To ensure the accommodation is used as short term accommodation only.

6. The parking areas as indicated on the approved plan shall be provided prior to the development hereby approved being brought into beneficial use and shall be retained in perpetuity.

Reason: To ensure the parking needs of the development are met.

7. Notwithstanding the details on the approved plans a detailed landscape plan showing replacement planting shall be submitted for the approval of the LPA prior to the occupation of the building. Such details shall include:

- Details of ground preparation, planting plans, numbers and details of species
- Maintenance details for a minimum of 5 years, and
- A phased timescale of implementation

Reason: To ensure submission of an appropriate landscaping scheme and to secure a development that makes a positive contribution to the landscape and visual amenities of the area.

8. Prior to occupation of the building details and positioning of the proposed bird bricks and bat boxes shall be submitted for the approval of the Local Planning Authority. The

development shall be completed in accordance with such details as approved.

Reason: In the interest of biodiversity enhancements

9. Notwithstanding the details on the approved plans the surface water proposals are not hereby approved

Reason: To define the scope of this permission.

10. The development shall begin no later than five years from the date of this decision notice.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990.

Informative Advice

The applicant should note that the development hereby approved also requires SuDs approval before work commence in relation to the construction of any hard surfaced areas. Further guidance in relation to such requirements can be found at: [Blaenau Gwent CBC: Permission for Drainage \(blaenau-gwent.gov.uk\)](http://blaenau-gwent.gov.uk)

On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority
