

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2021/0584	<u>DATE:</u> 07/06/2021
PROPOSAL:	Change of Use of First & Second Floors from Offices to Emergency Refuge Accommodation
LOCATION:	49 Talbot Road, Port Talbot, SA13 1HN
APPLICANT:	DGP Properties
TYPE:	Full Plans
WARD:	Port Talbot

BACKGROUND

Due to the nature of the application, local objections and engagement with the local Ward Members, a decision has been made by Officers to report this application to Planning Committee for a decision.

SITE AND CONTEXT

The application site relates to a detached property known as 49 Talbot Road, Port Talbot SA13 1HN. The building is set off the western flank of the A48, Talbot Road close to Port Talbot town centre.

The building consists of three-storeys in total. The ground floor contains large shop-front style windows with two access doors. The upper floors have previously been in use as offices and are now under renovation. The eastern gable of the building faces onto a small access lane which allows for limited off-street parking (outside of the application site boundary). To the rear of the building lies private staff parking for Port Talbot Parkway station, which is located less than two hundred metres distant.

DESCRIPTION OF DEVELOPMENT

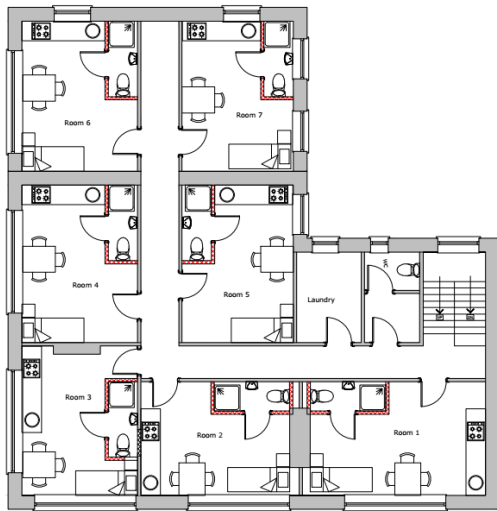
The application seeks full planning permission for the change of use of the first and second floors from office accommodation to Emergency Refuge Accommodation.

Accommodation would comprise 12 individual units, with 7 units and a laundry room and WC at first floor, with 5 further units on the second floor, along with storage rooms.

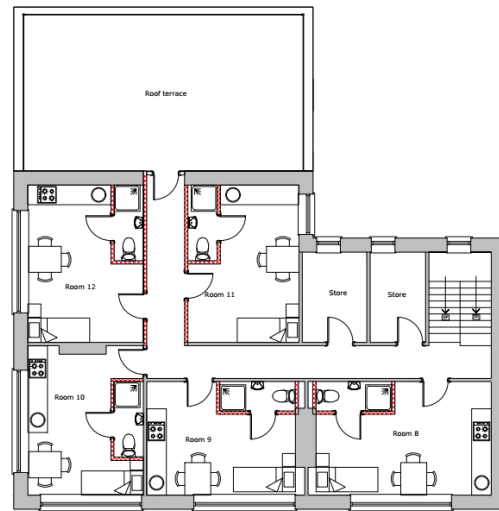
Each unit looks to provide everything that is required for an overnight or temporary short stay. Each room contains a bed, small kitchenette and seating area. There is also an en-suite which contains a shower, toilet and sink within each room (see plan extracts below).

The proposed rooms will accommodate vulnerable individuals who are seeking emergency temporary refuge. The applicant has confirmed that the accommodation will be managed by the same registered charity who intend to occupy the ground floor offices. The registered charity will provide counselling and welfare support for the vulnerable individuals.

The emphasis is upon limited stays of only a couple of nights, with the limited individual floor space impractical to offer anything more than that timescale. The applicant's intent is to offer a temporary solution to an individual's homelessness, and to guide and steer that individual to more permanent accommodation elsewhere in association with local authority and housing association support networks.



First Floor



First Floor

The proposed change of use will not require any external works or physical extension of the building, with the accommodation being contained within the current floor layout of the building, and the structure of rooms being subdivided to create individual occupant spaces.

NEGOTIATIONS

While there have been no negotiations, the applicant has on request provided a Management Plan, which is considered further below.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2012/0168 – COU from Office and training building to financial and professional use (A2): Approved.

CONSULTATIONS

Environmental Health: No objections

Head of Engineering and Transport (Highways): No objections

REPRESENTATIONS

A site notice was displayed on June 6th 2021. In response, to date 8 no. representations have been received, with the issues raised summarised as follows: -

- Increased crime levels, specifically drug use, alcohol abuse and criminal damage
- Concerns for the mental well-being of the inhabitants of the area, especially the children given the proximity of the schools
- The area does not really need more of the proposed use, given what is already present in the area.
- Clarity on the type of individual to be housed at the development
- There is alternative accommodation in the nearby YMCA

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Topic Based Policies :

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy OS1** Open Space Provision

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, and highway safety.

Principle of Development

For the purposes of the adopted Local Development Plan, the site is located within the defined settlement limits of Port Talbot. Policy SC1 'Settlement Limits' states:

Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.

In view of the above, it is considered that the proposal adheres to this policy given the scale and form of the building remains untouched externally and its residential use is considered to be an appropriate land use in terms of the settlement limit location.

Notwithstanding the above, it is acknowledged that the Local Development Plan does not contain any direct planning policies for Special Housing or Emergency refuge accommodation. In such unique circumstances each proposal will be treated on its own individual merits.

Having regard to the proposal for short-term emergency accommodation, it is noteworthy that Julie James, the Minister for Climate Change, has very recently issued a letter (August 2021) to all Welsh Local Authorities emphasising that throughout the Covid-19 pandemic Welsh Government, working closely with local authorities, have taken unprecedented steps to support people experiencing homelessness to ensure they have been able to access accommodation together with the support they need to stay safe. This has included specific guidance and additional funding to support an inclusive approach to ensure no-one is left without accommodation and support.

The Minister also identifies that the Welsh Government's recently published [Programme for Government](#) makes clear their commitment "to fundamentally reform homelessness services to focus on prevention and rapid rehousing" and that a Green Paper will be developed for publication next year to set out the legislative mechanisms required to support this change. She further emphasises that "as well

as fundamental reform of homelessness services, the move to a rapid rehousing approach also requires a sufficient supply of affordable homes and the social sector has a key role to play in this”.

In addition to its residential use being acceptable in principle in land use planning terms therefore (subject to an assessment of its impacts below), it is also clear that the specific nature of accommodation proposed under this application is much needed, and forms one part of a much wider programme / strategy which seeks to ensure essential and active support for those persons experiencing homelessness, ensuring they have access to accommodation and associated support needed to stay safe.

That being said, there are local concerns over the introduction of such emergency accommodation (noting the presence of the YMCA nearby also). In this regard there is, of course a need to focus on land use planning issues (as opposed to who might occupy such accommodation), albeit with an appreciation that community cohesion is important. Nevertheless it is imperative that this type of accommodation is ‘managed’ correctly to ensure the amenity of the community is preserved and protected.

The applicant has given strong assurances that this charitable use will be managed through the company based on the ground floor at all times, and this relationship is considered to be critical to the acceptability of the proposal. However given that the ground floor use is existing and does not form part of this submission, Officers advised that assurances of how the ground floor ties in with the floors above would have to be clearly set out within a Management Plan.

Accordingly, following consultation with officers, the applicant agreed to submit a fully detailed [Management Plan for Emergency Refuge Accommodation](#). The Management Plan details that the Registered Charity would run their floating support service from the ground floor offices, and then goes on to define a clear registration procedure which caters for the individual needs of the person in question. This drop-in service on the ground floor would only be available during week-day office opening hours. The applicant has also clarified that there will be a 24 hour warden present on site, which forms part of their 24 hour staffing project.

Management of the accommodation in accordance with such approved management plan would ensure any potential issues arising from the nature of accommodation would be dealt with swiftly and at source, and can be controlled by condition. Such condition would also ensure that the accommodation is used only as ‘emergency accommodation’ managed by the occupant of the ground floor in accordance with the approved management plan.

Finally, it is noted that the Housing Team in Environmental Health have assessed the proposal and have offered no objections to the development. However, they have noted that whilst they accept the arguments put forward in the Planning Statement that the building will not contain residential dwellings in the traditional sense, Environmental Health consider that the proposed self-contained flats would meet the definition of a ‘dwelling’ contained in Part 1 of the Housing Act 2004, and as such will be subject to the provisions of that legislation to provide safe and healthy housing.

Impact on Visual Amenity

This proposal does not include any external alterations to the building. Subsequently there will not be any visual impact, be it negative or positive, on the host property nor on the established character and appearance of the street scene or wider area.

Impact on Residential Amenity

There is no conflict between distances allowable between habitable room windows or the overlooking of private space. In the absence of any proposed external alterations and extensions to the applicant property, any potential issues regarding overbearing and overshadowing have been eliminated. The emergency refuse use is similar in terms of noise and disturbance to that of a residential use. That being the case, it is considered that the residential properties immediately adjacent to the property will not suffer any noise and disturbance over and above what is currently enjoyed on site.

In view of the above, there is not considered to be any adverse impact on residential amenity.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the site has no existing on-site parking provision to serve the existing commercial uses. It is therefore appropriate to consider the proposed use against the existing use, discounting the ground floor which does not form part of this application (albeit intended to form part of the management of the wider unit).

In this regard, the existing office accommodation on the upper floors (approximately 335 sq.m. gross external) would require 1 space per 20 sq.m. equating to approximately 17 spaces (max). In comparison, the proposed use – based on 12 individual residential units – would require 12 spaces plus one visitor space per five units, giving a total requirement of 15 spaces.

Each of the above figures could potentially be relaxed further due to the sustainable location of the property, while it would also be reasonable to conclude that all of the intended occupants of the accommodation would be unlikely to own a vehicle. However for the purposes of this application it is considered that in view of the above calculations it would be unreasonable to object to the proposal on highway safety grounds given that the proposed use would have a lesser parking requirement than the existing authorised use.

The Head of Engineering and Transport (Highways) has also assessed the proposal and has not offered any adverse comments, such that there is not considered to be any adverse impact on highway and pedestrian safety.

Planning Obligations

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The site lies within the Port Talbot ward, where there are existing ward shortfalls in all categories of open space. The development has the following open space requirements (taking into account that no children's play space is required for one bedroomed flats):

Pitch sport:	369sqm
Non pitch sport:	144sqm
Children's play:	0 sqm
Informal open space:	176sqm
Allotments:	61sqm

Potential S106 Capital costs for Public Open Space are as follows:

Pitch sport	£3,976
Non pitch sport	£14,420
Children's play	£0
Informal	£882
Allotments	£672
Total	£19,950

The above contributions will be secured by a Section 106 Legal Agreement.

Other Matters

Responses to matters raised in representations not covered in the report on the main issues.

As identified earlier in this report, a number of objections were received in response following the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- Issues such as the type of individual potentially using the premises and unsubstantiated claims of crime are not material planning considerations and therefore did not form part of the determination process.

CONCLUSION:

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on residential and visual amenity and highway

and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1, OS1 and TR2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION: Approval subject to a legal agreement requiring provision of a financial contribution of £19,950 towards public open space in the Port Talbot area, and subject to the following conditions:

CONDITIONS:

- (1) The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of 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:

- MANAGEMENT PLAN Proposed Change of Use of First & Second Floors from Offices to Emergency Refuge Accommodation at 49 Talbot Road, Port Talbot, SA13 1HN
- Site Location Plan Drawing Number 100
- Existing Elevations and Floor Plans, Drawing Number 300
- Proposed floor Plan 01

Reason: In the interests of clarity.

- (3) The residential accommodation hereby approved shall only be occupied as 'emergency accommodation', which shall at all times be operated and managed only by a Registered Charity who occupies the ground floor offices within the property, and in full accordance with the provisions stipulated within the 'Management Plan for Emergency Refuge Accommodation' hereby approved, which shall be implemented at all times.

Reason:

In order that the use may be managed in the interests of residential amenity and community cohesion, and to accord with Policy BE1 of the adopted Local Development Plan.