



## ***PLANNING COMMITTEE***

***10.00 AM - TUESDAY, 20 JULY 2021***

***REMOTELY, VIA TEAMS***

**ALL MOBILE TELEPHONES TO BE SWITCHED TO SILENT FOR THE DURATION OF THE MEETING**

### **PART 1**

1. Welcome and Roll Call
2. Declarations of Interest
3. Minutes of the Previous Meeting (*Pages 5 - 6*)
4. To Request Site Visit(s) from the Applications Presented

### **Report/s of the Head of Planning and Public Protection**

#### **Section A - Matters for Decision**

#### **Planning Application Recommended for Approval**

5. Application No. P2021/0637 - 161 Neath Road, Briton Ferry, Neath (*Pages 7 - 20*)  
Change of Use from Residential (Use Class C3) to a 5 bed House of Multiple Occupation (HMO)(Use Class C4), at 161 Neath Road, Briton Ferry, Neath, SA11 2BX.
6. Urgent Items  
Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**K.Jones**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Wednesday, 14 July 2021**

**Committee Membership:**

**Chairperson:**           **Councillor S.Paddison**

**Vice**                       **Councillor S.Pursey**  
**Chairperson:**

**Members:**           Councillors D.Keogh, R.Mizen, S.Bamsey,  
R.Davies, S.K.Hunt, A.N.Woolcock, C.Williams,  
S.Renkes and M.Protheroe

1 Vacant Seat

**Cabinet**               **Councillor A.Wingrave**  
**UDP/LDP**  
**Member:**

## **Requesting to Speak at Planning Committee**

The public have a right to attend the meeting and address the Committee in accordance with the [Council's approved procedure](#) which is available at [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning).

If you would like to speak at Planning Committee on an application reported to this Committee you must:

- Contact Democratic Services in writing at : Civic Centre, Port Talbot SA13 1PJ, preferably by email: [democratic.services@npt.gov.uk](mailto:democratic.services@npt.gov.uk).
- Ensure your request to speak is made no later than two working days prior to the meeting date (by 2 pm on the preceding Friday based on a usual Tuesday meeting),
- Clearly indicate the item number or application number on which you wish to speak and confirm whether you are supporting or objecting to the application.
- Give your name and address (which will be publicly available unless there are particular reasons for confidentiality)

Please note that only one person is able to speak for each 'category' (objector; supporter; applicant/agent; Town/Community Council for each application. Full details are available in the [Council's approved procedure](#).

In addition, if an objector registers to speak, the Applicant/Agent will be notified by the Council.

Should you wish to discuss any aspect of public speaking, please contact the Democratic Services Team on 01639 763713.

## **Commenting on planning applications which are to be reported to Committee**

Should you wish to submit representations on an application presented to this Planning Committee, please note that these must be received by the Planning department no later than 2.00p.m. on the Friday before Committee (based on the usual Tuesday meeting). If the meeting is not on a Tuesday, these should be received no later than 2.00pm on the penultimate working day immediately preceding the Planning Committee.

Please note that representations received in accordance with the Council's protocol are summarised and, where necessary, commented upon in the form of an Amendment Sheet, which is circulated to Members of the Planning Committee by email on the evening before Committee, and re-distributed prior to the commencement of the meeting.

## PLANNING COMMITTEE

(REMOTELY VIA TEAMS)

**Members Present:**

**8 June 2021**

**Chairperson:** Councillor S.Paddison

**Vice Chairperson:** Councillor S.Pursey

**Councillors:** D.Keogh, R.Davies, S.K.Hunt, A.N.Woolcock,  
C.Williams, M.Protheroe and S.Lynch

**Officers In Attendance:** S.Ball, R.Borthwick, R.MacGregor, J.Griffiths,  
G.White and T.Davies

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### 1. **DECLARATIONS OF INTEREST**

The following Member made a declaration of interest at the commencement of the meeting:

Councillor S.Lynch Re: Planning Application No. P2021/0444,  
as the applicants' husband is her employer.  
She did not consider her interest as  
prejudicial so was able to vote and speak.

### 2. **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:** That the minutes of the previous meeting held  
on 23 February, 2021, be approved.

### 3. **TO REQUEST SITE VISIT(S) FROM THE APPLICATIONS PRESENTED**

**RESOLVED:** That no site visits be held on the applications  
before committee today.

4. **APPLICATION NO. P2021/0444 - 5 PARK ROW, CWMAVON, PORT TALBOT**

Officers made a presentation to the Planning Committee on this Application (4-bedroom detached dwelling plus parking located within the grounds of 5 Park Row, Cwmavon, Port Talbot SA12 9PW) as detailed in the circulated report.

It was noted that the Recommendation within the report should have read 'Approval' rather than 'Approved'.

**RESOLVED:** That in accordance with Officers' recommendations, and the conditions detailed in the circulated report, Application No. P2021/0444 be approved.

**CHAIRPERSON**

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b>APPLICATION NO: P2021/00637</b>	<b>DATE: 21/6/2021</b>
<b>PROPOSAL:</b>	Change of Use from Residential (Use Class C3) to a 5 bed House of Multiple Occupation (HMO)(Use Class C4)
<b>LOCATION:</b>	161 Neath Road, Briton Ferry, Neath, SA11 2BX
<b>APPLICANT:</b>	Mr Richard Hanney
<b>TYPE:</b>	Full
<b>WARD:</b>	Briton Ferry East

### BACKGROUND INFORMATION

Cllr Chris James requested on 5<sup>th</sup> July 2021 that this application be determined at Planning Committee for the following reason:

*“The proposed change of use would have a negative impact on local amenities, with Briton Ferry East having a far higher density of HMO’s compared to other wards in Neath Port Talbot. This has caused us to lose more and more family dwellings, which has a negative impact on the community. If this application is granted then there is another potential family home lost”.*

The ‘call-in’ Panel subsequently met and agreed on 6<sup>th</sup> July 2021 that the application should be determined at Planning Committee on the above grounds.

### SITE AND CONTEXT

The application site is located at 161 Neath Road, Briton Ferry.

The application site comprises a two-storey mid-terrace property currently used as a residential dwelling (Use Class C3).

The plot measures approximately 0.0153 hectares in area and is bounded by a residential dwelling to the north, Neath Road (A474) to the east, Dominos Pizza with residential flat above to the south, with an access lane and further dwellings to the west.

### DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from Residential (Use Class C3) to a 5 bed House of Multiple Occupation (HMO) (Use Class C4<sup>1</sup>).

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<sup>1</sup> Use Class C4 are ‘small’ HMOs for between 3 and 6 unrelated individuals who share basic amenities. Large houses in multiple occupation (those with more than six people sharing) are unclassified by the Use Classes Order and in planning terms are therefore considered to be ‘sui generis’ (of their own kind).

Members should note that no external alterations are proposed to the property itself, as any works required to facilitate the conversion (such as the creation of en-suite bathrooms) would be internal only. To the rear of the property it should be noted that 2 new parking spaces would be created (accessed off the rear lane), together with a bin storage area.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

### NEGOTIATIONS

Not Applicable.

### PLANNING HISTORY

The application site does not have any relevant planning history.

### CONSULTATIONS

**Briton Ferry Town Council:** No reply, therefore no observations to make.

**Head of Engineering & Transport (Highways):** No objection, subject to conditions.

**Environmental Health Section:** No objection.

### REPRESENTATIONS

The neighbouring properties were consulted on 21/06/2021, with a site notice also displayed on 21/06/2021.

In response, to date, 7 no. representations have been received. The objections are summarised as follows:

- Concerns regarding parking provision and resultant congestion and traffic delays.
- Concerns regarding litter and fly-tipping in the rear lane, and potential for rats.
- Concerns regarding excessive noise.
- Concerns regarding drug abuse.
- Concerns that the proposal with impact upon the amenity of neighbouring residents.
- Concerns regarding the impact on the character and appearance of the neighbourhood and loss of family housing.
- Concerns regarding the number of rented properties in Briton Ferry.
- Concerns regarding the proximity of the site to a children's nursery.
- Concerns regarding potential overlooking.
- Concerns that it would be managed by an 'absentee' landlord.
- Concerns regarding access for the refuse wagon due to on-street parking restricting access to the rear lane.
- Concerns that the proposal would have a negative impact on property values.



- Concerns regarding the type of tenant/occupiers.
- Concerns that all the neighbours have not been notified by letter.

## 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.

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 12: Design

### Local Planning Policies

The 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:

### Strategic Policies:

- **Policy SP7**      Housing Requirement
- **Policy SP20**    Transport Network

### Topic Based Policies:

- **Policy SC1**      Settlement limits
- **Policy TR2**      Design and Access of New Development
- **Policy BE1**      Design

### *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [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 the development at this location, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

### Principle of Development

#### *Background Information*

As background, it is of note that in February 2016 the Welsh Government introduced changes to the Town and Country Planning (Use Classes) Order to create a new use class for Houses in Multiple Occupation (HMO) (Class C4). The Use Class C4 in broad terms covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities, such as the proposals set out within this submission.

The change to the Use Classes Order therefore served to bring the change of use of dwellings (which fall in Class C3) to HMO's within the control of Planning Authorities by making such changes subject to planning permission. The reason for the change in the Use Class Order followed a recognition that, in some parts of the Country, the number of HMOs within an area was having an adverse impact upon the character of an area.

It should be noted that large houses in multiple occupation (those with more than six people sharing) remain unclassified by the Use Classes Order and in planning terms are therefore considered to be 'sui generis'.

Having regard to the above, it is acknowledged that concentrations of HMOs can, in some instances, lead to a range of cultural, social and economic changes in a community and that high concentrations have the potential to create local issues. The Council does not, however, have any specific local Policies aimed at preventing the

spread of HMOs at present. This is due largely to the absence of any significant historical issue in the area, and the introduction of the C4 Use Class post adoption of the LDP.

### *Evolving National Policy Context*

[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. This includes a significant emphasis on placemaking and the creation of sustainable places and their role in improving the wellbeing of communities. Indeed, PPW11 emphasises that one of the “Key Planning Principles” is “Creating & sustaining communities”, noting that:

*“The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives.”*

It goes further to add that Social Considerations (paragraph 2.28) include:

- who are the interested and affected people and communities;
- how does the proposal change a person’s way of life, which can include:
  - how people live, for example how they get around and access services;
  - how people work, for example access to adequate employment;
  - how people socialise, for example access to recreation activities; and
  - how people interact with one another on a daily basis
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and
- how does the proposal support development of more equal and more cohesive communities.

When referring to housing (at 4.2.1), PPW 11 also emphasises the need for Councils to “*make informed development management decisions that focus on the creation and enhancement of Sustainable Places*”. In this regard, it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

### *Evolving Local Context*

Although it is emphasised that it is not directly relevant to this Authority or its decisions, it is also of note that the City & County of Swansea (CCS) adopted its LDP in February 2019, which now includes a HMO Policy, accepted by the LDP Inspectors, and based on local background evidence, notably a report by an independent company called Lichfields.

That background evidence report, while focussing on CCS, is nevertheless of relevance insofar as it identifies the wider national context.

That report notes that: -

- HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people.
- Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services.
- The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

The analysis undertaken by Lichfields identified a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts were summarised as:

1. Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
2. Isolation for the remaining family households in areas with very high concentrations of HMOs;
3. Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
4. Issues of anti-social behaviour, noise, burglary and other crime;
5. Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
6. Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs.

As a consequence of this research, CCS now has an adopted HMO Policy in their LDP. However, the complexity of assessing whether any proposed change of use has a harmful impact on local character or community cohesion is demonstrated by the

varying criterion in their Policy, which includes a requirement (outside of their HMO Management areas – these being existing areas of high HMO concentration) for any proposal not to result in more than 10% of all residential properties within a 50m radius of the proposal being HMOs, and within ‘small streets’ for a proposal to not “create a disproportionate over-concentration of HMOs within that street”. In addition to specifying % rates within designated areas, the policy also requires an assessment of whether the development would have an unacceptable adverse impact caused by noise nuisance and general disturbance.

The supporting text to their Policy is also relevant to a wider understanding of the issue, insofar as it emphasises that there is a need for future HMO provision to be managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance. These objectives are equally pertinent to consideration of this application.

It also emphasises that “National research has identified that 10% is a general ‘tipping point’ beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can ‘tip’ from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

#### *Assessment of Current Application*

While it is again emphasised that the CCS Policy context described above is **not** directly relevant to this assessment, the approach itself is considered to have merit insofar as it is an evidence-based approach that provides a robust rationale for applying a 10% threshold for all areas outside their HMO Management Area. This does not mean, however, that anything over 10% is unacceptable or harmful as a matter of principle - given the need to still demonstrate the harm of such concentrations and the absence of a policy within NPT.

In the absence of a specific HMO Policy, this application has to be determined in line with current LDP Policies. In this respect, it is emphasised that the application site is located within the settlement limits defined by Policy SC1 of the LDP and therefore the principle of residential development (albeit a C4 HMO use, rather than a Class C3 dwellinghouse) would be acceptable subject to an assessment of its general impacts. This includes consideration of any potential wider impacts on local character and social / community cohesion created by HMO uses, as well as other amenity / highway issues. It is also notable that the existing residential accommodation is a 3-bedroom house split over two floors.

The wider assessment of the principle, however, should have regard to the Local and National context described earlier, and it is especially notable that there is a need for this Authority to ensure that the years where there is a ‘policy vacuum’ between the adoption of our current LDP (in January 2016) and conclusion of the review (commencing 2020 and adoption in 2024) is not taken advantage of by developers to the extent that applications are progressed incrementally to the point where the character and cohesion of the local area could be irreparably harmed.

Within this context, and based on the information accessible to the Council, it is noted that there are approximately 11 properties within this terraced block within which the application site is located, and records indicate that only 1 of them is currently occupied as an HMO (Number 177). It should be noted that Policies or SPGs adopted by other authorities, including Swansea, have referred to a 50m buffer zone being drawn around the application site and a requirement for consideration of the number of HMOs within that zone. In this case there would only be 1 know HMO within the zone (Number 177). However, it is noted that there is another HMO at 5 Vernon Street approximately 65m to the north-west. It should be noted that should this application be approved, it would result in approximately 18% of the properties being HMOs (i.e. 2 out of the 11). However, Members should also be aware that the properties in this 'block' comprise a mixture of dwellings (Use Class C3), Dominos Pizza (Use Class A3), a convenience shop (Use Class A1) and barber (Use Class A1). As such, they are not purely residential dwellings.

Figure 1 (below) illustrates the location of the application site and the nearby HMOs.



Figure 1 - Location of application site and existing HMOs

Having regard to the guidance in PPW (4.2.1), which emphasises the need for Councils to “make informed development management decisions that focus on the creation and enhancement of Sustainable Places”, it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

In this respect, while it is noted that there is often concern in the local community about the potential impact of HMOs on local character and social cohesion – and in this case local Councillor Chris James has expressed concern in respect of the overall density of HMOs in Briton Ferry East and to the loss of a further ‘family dwelling’ - there are no known Class C4 HMO issues in this particular area of Briton Ferry. Accordingly, even in the absence of a specific HMO Policy within the LDP, there are no grounds to refuse this application relating to the impact on local character or community cohesion – especially given the mix of uses in this particular ‘block’ of properties. Moreover, within a wider context with residential properties opposite, it would be difficult to sustain an argument that there was an over-concentration of such Class C4 uses in this immediate area. As such, the principle of the conversion is acceptable on Policy grounds.

#### Impact on Visual Amenity

It is noted that the no external alterations are proposed to the property itself, with the formation of a parking area to the rear and bin store being the only visible changes. In light of this, it is therefore considered that the property would retain a residential appearance, and the overall proposal would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene, and would therefore comply with Policies BE1 of the LDP.

#### Impact on Residential Amenity

In respect of potential overlooking, it is noted no new windows are proposed. Whilst there are a number of existing side-facing windows on the property as these already serve habitable rooms, it is considered that the proposed change of use would not create any additional or unacceptable overlooking over and above that currently experienced. In order to ensure that no additional overlooking issues are created ‘permitted development’ rights for windows, door and dormers will be removed from the property.

Turing to potential overbearing and overshadowing, it should be noted that no extensions or alterations are proposed to the property itself. As such, the proposal would not create any unacceptable issues in these regards.

In respect of potential noise and disturbance, whilst it is acknowledged that the use of the property will be for a 5-bedroom HMO, the Environmental Health Section has assessed the submitted scheme and advises that they would have no objection to the principle of this change of use. They have also advised that all room sizes at this development are sufficient to meet the requirements of the approved Neath Port Talbot HMO Space and Amenity Standards, even after subtracting the space occupied by en-suite bathrooms in some of the bedrooms. Nevertheless, they have advised that the kitchen area would be insufficient size for 6 people. As such, a condition will be imposed on the application to limit occupancy to a maximum of 5 persons.

Members should also note that the proposed layout would introduce two bedrooms on the ground-floor adjoining the 'party' wall. However, it is considered that there would be unlikely to be any additional or unacceptable impact on the adjoining property as a result of this.

Provided that the requested condition limiting occupation to a maximum of 5 occupants is imposed on the application, it is therefore considered that the noise and disturbance associated with the comings and goings to and from the property are unlikely to be different when compared to the existing use of that of a family property. Accordingly, it is considered that the proposed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds.

In light of the above, it is considered that there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their statutory nuisance powers.

#### Parking and Access Requirements and Impact on Highway Safety

It is noted that the existing property is located off Neath Road (A474) which is the main route through Briton Ferry into Neath. The main road is very busy and there is limited on-street parking availability and parking restrictions on Neath Road which the site fronts onto. However, it is noted that there are no parking restrictions on Grandison Street, which is to the south side of the site.

The existing residential property would have a parking requirement, as detailed in the Parking Standards SPG, for 1 space per bedroom up to a maximum of three spaces. However, at present, there is no on-street car parking available at the site.

In respect of the proposed use, it is noted that as a 'residential use' (albeit C4 not C3) this would require 1 space per bedroom (up to a maximum of 3). The total for the proposed use would therefore be **3 spaces**. It is noted that 2 spaces are proposed to be created within the rear yard area (in a space approximately 7.3m deep x 5.2m wide). This space would be sufficient to allow two cars to be parked, as well as manoeuvre into and from the rear lane access (although a condition is recommended which would require the yard area to be no less than 7.3m deep and 5.2m wide). This means that whilst there would be a technical deficiency of 1 space, there would be a 'betterment' over and above the current situation and current lawful use.

The Head of Engineering and Transport (Highways Section) has assessed the proposal and offers no objection to the development, subject to conditions. This is on the basis that there is no current HMO classification within the approved Supplementary Planning Guidance: Parking Standards (October 2016). The application submission has been therefore assessed against the closest Use Class of C3 (Residential). This would require a maximum provision of 3 parking spaces for the proposed change of use. It should also be noted that 'Permitted Development' Rights for extensions will be removed from the property in order to protect the car parking and bin-storage area to the rear yard.



To summarise, given the existing use and the lack of parking provision on site, together with the sustainable location of the site (i.e. near shops and facilities and on a bus route), it is considered that the overall proposal would be acceptable in terms of highway and pedestrian safety, and refusal of the application on highway/parking grounds could not be substantiated at appeal.

Given the nature of the use and number of persons, it is considered appropriate to include a condition which requires a scheme of cycle parking to be provided, which would most likely be able to be accommodated in the rear yard, potentially as part of or adjacent to the proposed bin store.

### Other Matters

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

- In relation to the comments concerning littering and pests, it should be noted that bin storage is indicated on the plans in the rear yard, and it would be for the landlord/developer to agree the most appropriate bin storage details and provision with the Waste/Refuse Section of the Authority (i.e. 1 large communal bin or separate smaller bins). It should also be noted that if there are any issues with waste storage or distribution then the Waste Enforcement Section and/or Environmental Health Section have powers to enforce against the landlord, as the responsibility lies with them.
- In respect of the concerns regarding the potential for excessive noise this is not a planning matter, and would be for Environmental Health to investigate under their noise nuisance legislation.
- Turning to the comments in relation to drug abuse, it should be noted that this is not a material planning consideration and would be a Police matter.
- With regards to the concerns regarding the proximity to a children's nursery these are noted. However, this would not be a planning or justifiable reason to refuse the application.
- In respect of the concerns regarding the loss of family housing, it should be noted that the balance of HMOs to residential has been addressed in the report. It should also be noted that consideration has to be given for the need to provide accommodation for all groups – not just families.
- Turning to the comments regarding the 'absentee' landlord, this would not be a reason for refusal of this application. It should be noted that the management of HMOs is monitored and controlled by the Environmental Health Section.
- With regards to the concerns regarding the blocking of access of the rear lane, it should be noted that this would not be a reason to refuse the application, and the Head of Engineering and Transport (Highways Section) offers no objection to the proposal.
- In respect of the concerns that the proposal will decrease property values, it should be noted that this is not a material planning consideration, so cannot be taken into account when determining this application.
- Turning to the comments regarding the type of tenant/occupiers, the applicant has verbally indicated that it would be for students in the new University Bay Campus.

However, this is not a material planning consideration and is not something that can be taken into account when determining this application.

- Finally, in respect of the neighbour notification it should be noted that the 4 neighbouring properties (including Number 1 Grandison Street adjacent to the access lane) were notified by letter. In addition, 2 site notices were displayed on lamp-posts. 1 on Neath Road by the bus-stop opposite the site and 1 on the lamp-post to the side of Dominos Pizza. It should be noted that this is in accordance with the relevant Regulations for publicity.

## 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 proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, TR2 and BE1 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: Approve subject to 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:

Location Plan.  
Existing Block Plan.  
Proposed Block Plan.  
Existing Floor Plans.  
Proposed Floor Plans.  
Room Dimensions.

Reason: In the interests of clarity.

3. Prior to the first beneficial occupation of the House of Multiple Occupation (HMO) hereby approved the rear parking area detailed on the approved block plan, to accommodate two car parking spaces and manoeuvring space (and measuring no less than 7.3m deep x 5.2m wide), shall be provided on site accessed via the adopted rear lane. The parking area shall be surfaced in porous material, or provision must be made to direct run-off water from the hard surface to a permeable porous area or surface within the curtilage of the property, with no surface water allowed to flow out onto the public highway. These spaces shall be permanently maintained and available for use for parking of vehicles thereafter, with no enclosure permitted to be provided at any time which would impede the use of such spaces for the parking of vehicles.

Reason:

In the interest of off-street car parking provision and highway safety, and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

4. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and such facilities shall thereafter be retained as approved at all times.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

5. Prior to the first beneficial occupation of the House of Multiple Occupation (HMO) hereby approved the designated bin storage area, as detailed on the approved block plan, shall be provided on site and retained for bin storage use thereafter.

Reason:

In the interest of visual and residential amenity and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

6. The House of Multiple Occupation (HMO) hereby approved shall be limited to a maximum of 5 people.

Reason:

For the avoidance of doubt, in the interests of local amenity, and in the interest of the residential amenity of future occupiers due to the size of the kitchen area, and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the

development hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the parking within the rear yard area, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such additional doors /windows/dormers, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.