

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2017/0085	<u>DATE:</u> 08/02/2017
PROPOSAL:	Change of use from Offices to House of Multiple Occupation (H.M.O Up to a maximum of six residents) plus self-contained residential unit, plus car parking and external alterations
LOCATION:	Compass House, 1a Baldwins Crescent, Crymlyn Burrows, Swansea SA1 8QE
APPLICANT:	Richard Hayward- Graceland Investments Ltd
TYPE:	Full Plans
WARD:	Coedffranc West

BACKGROUND INFORMATION

The application was called into Planning Committee by Ward Member Councillor Harry Bebell on the grounds that he has concerns over the impact of the development in terms of noise, and due to the potential impact of an additional House in Multiple Occupation (HMO) on the character of the area, with no HMO Policy in place.

The Committee Call-In Panel met and agreed that the application should be brought to Committee on such grounds.

PLANNING HISTORY:

None

PUBLICITY AND RESPONSES:

The application was advertised on site and four individual properties were notified. To date, 7 representations have been received which can be summarised as follows:

- Parking congestion from university and question whether amount of parking proposed is sufficient
- Too many HMOs already approved and acceptable quota of HMOs in Elba and Baldwins Crescent achieved and should be curtailed now.

- Crime free, quiet, community environment of the village could be irreversibly threatened by granting this and future HMO applications
- Developers take advantage of cheap housing to the disadvantage of local families
- Increased anti-social behaviour including noise, nuisance and rubbish / littering leading to vermin. Further HMOs would make worse

Councillor Harry Bebell (Ward Member) has submitted a number of representations objecting to the development, which are on the following summarised grounds: -

- The village has already got approx. 8 homes converted to HMOs and two more being worked on.
- This application will further lead to the downgrading and the destruction of the community, and its community spirit.
- Parking nuisance, noise and litter now being caused plus other problems being caused by Students - it is time to call a halt.
- Concerns related to further development at University Campus without suitable car parking (although accepts these facts are nothing to do with the present plan but are 'something to remember for the future').

Head of Engineering and Transport (Highways): No objection subject condition

Head of Engineering and Transport (Drainage): No objection

Contaminated Land Officer: No objection, subject to condition

Coedffranc Community Council: Raise concerns with amount of car parking supplied and whether it is sufficient for the area

Wales and West Utilities: Note position of their apparatus, details of which forwarded to applicant

Environmental Health: No objection

Biodiversity: No objection

Health and Safety Executive (Consultation distance of major hazard sites / pipelines): Do not advise against granting of planning permission

DESCRIPTION OF SITE AND ITS SURROUNDINGS:

The application site is occupied by a vacant detached office building located on the northern side of Baldwins Crescent. The building's main elevation to Baldwins Crescent has a red brickwork plinth with three tall brickwork and stone bay windows under natural slate pitched roofs. The building also has painted render gables over the bay windows, with red brickwork chimneys framing the façade. While the current lawful use of the building is as an office, it does have the appearance of a residential property.

The immediate area comprises a mix of two storey 1930 / 40's semi-detached dwelling houses together with larger scale industrial and commercial buildings to the North and East. A caravan sales centre is located immediately opposite the site. Swansea University's Bay Campus is located to the south of the site beyond Fabian Way.

BRIEF DESCRIPTION OF PROPOSAL:

The application seeks full planning permission to change the use of the building from office accommodation (Class B1) to a house in multiple occupation (HMO) with the main part of the property being divided into 6 separate bedroom units. A separate self-contained residential unit is also proposed over two floors within an existing attached rear annexe.

To serve the HMO communal cooking and living room areas are to be provided on the ground floor and a mixture of en-suite and communal bathrooms are proposed on the ground and first floor.

The supporting information provided acknowledges that the proposed accommodation is targeted at students and will meet a need for this section of the market given the Swansea University Bay Campus in close proximity to the site. Notwithstanding this, the design and layout of the proposed development ensures that the site would be suitable for alternative uses in the future such as flats aimed at the open market.

In respect of the external changes proposed these are limited to blocking up an existing side facing window and altering an existing front door to form a window.

An existing area of hardstanding to the west of the building will provide parking for 5 cars.

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

EIA AND AA SCREENING:

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has not been screened in accordance with the requirements of Schedule 3 of the Regulations.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

MATERIAL CONSIDERATIONS:

The main issues for consideration relate to the principle of a residential development at this location having regard to the provisions of the development plan as well as the impact upon the character and appearance of the surrounding area; the residential amenity of the occupiers of the adjacent properties; highway and pedestrian safety; the effect upon biodiversity quality and drainage together with other issues raised by consultees.

POLICY CONTEXT:

National Planning Policy:

[Planning Policy Wales](#) (Edition 8, January 2016)

Technical Advice Notes: -

- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 18: Transport (2007)

Local Development Plan

The Development Plan comprises the Neath Port Talbot Local Development Plan, within which the following Policies are of relevance:

Strategic Policies

- **Policy SP3** Sustainable communities
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP11** Employment Growth
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Detailed Policies

- **Policy SC1** Settlement limits
- **Policy EN7** Important Natural Features
- **Policy EC4** Protection of Existing Employment Uses
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The [Parking Standards](#) SPG was approved in October 2016 and is of relevance to this application.

PRINCIPLE OF DEVELOPMENT:

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 Class C4 HMO use rather than a Class C3 dwelling house) would be acceptable subject to an assessment of its general impacts.

In this case, it is also notable that the existing property has a Class B1 Offices use, such that an assessment also needs to be made against Policy EC 4 (Protection of Existing Employment Uses) which seeks to avoid the loss of commercially viable employment land or buildings. The policy states that the loss of such land will only be permitted where the following criteria are satisfied:

1. It is demonstrated that employment uses are no longer viable or appropriate in this location; or

2. Continued use for employment purposes would have unacceptable impacts on the environment, local amenity or adjacent uses; or
3. The existing space can be redeveloped for employment uses that achieve an increased level of employment combined with other appropriate uses.

The explanation of this policy goes further by recognising that some employment sites may become unviable over the Plan period, emphasising that the Policy provides flexibility for the appropriate re-use of such sites, and a basis for assessing applications for conversion to non-employment uses.

In respect of the loss of office / employment use, the applicant has provided information which indicates that the building would be unlettable in its current condition given that the current layout is not conducive to modern office requirements. They have also confirmed that the building has not operated as an office for a number of years and the property has remained empty and is falling into disrepair. Finally, it is confirmed the building has been marketed since 2015 as offices but has not received any offers.

Having regard to the above, it is considered that the developer has demonstrated that the site is not viable as an on-going employment site and Officers accept the loss would not have a significant adverse effect on the supply of employment land. It is also considered that the proposed re-use of the building for residential purposes would in principle be compatible with nearby residential uses. Overall, for the reasons explored above, there are considered to be no objections to the principle behind the proposed re-use of the building, which satisfies the criteria in Policy EC4.

CONCENTRATION OF HMOS

Representations from members of the public together with the local Ward Member have raised concerns over the concentration / number of HMO's in the immediate area surrounding the application site and their concerns over the resultant impact on residential amenity and the local community.

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 (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.

While in this instance a change of use to HMO is from an Office (such that permission would have been required in any event), the reasons 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.

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 (due largely to the absence of any significant historical issue in the area, and the introduction of the C4 Use Class following adoption of the LDP).

Notwithstanding the above, enquiries with Licensing and Council Tax (on 13th March 2017) indicate that there are currently only 2 properties in Elba Crescent and 1 in Baldwins Crescent which are considered as HMOs, out of a total of 72 dwellings in these two streets (41 in Elba Crescent and 31 in Baldwins Crescent). Furthermore, no planning applications have been received or determined for HMOs in either Baldwins or Elba Crescent in the last 15 years according to planning department records.

It is acknowledged that the actual number of HMOs in the area may be higher, due to some HMOs not being licensed, or having been used for shared accommodation prior to the change to the Use Classes Order. However the most up to date figures available indicate only a limited HMO presence in the immediate surrounding area. Moreover, the general character of the area remains unaffected to any significant or unacceptable degree by such uses. In this respect, it is considered that currently the number of HMOs is not such that it appears to be creating specific areas which are changing in their character to such an extent that would impact unacceptably on residential amenity.

It should also be noted that the conversion of these offices will help meet student accommodation demand and thus may release some pressure on

the demand for conversion of other traditional family housing in the area surrounding the application site.

As such, currently it is considered that given the limited number of HMOs present in the existing area, there are no grounds to refuse this application on the basis of unacceptable impact upon residential amenity or over concentration of HMOs.

Accordingly, there are considered to be no objections to the principle of converting this building for residential purposes, subject to an assessment of the specific impacts of such development.

VISUAL AMENITY:

In terms of alterations to the building's external appearance and fenestration, only very minimal changes are proposed. A window to the south west facing elevation will be removed and the opening bricked up. To the front facing elevation an existing door is to be removed from the bay window and blocked up. In both cases the proposed materials for completing these works are to match the existing building.

Therefore, in view of the above it is considered that there would not be any unacceptable impact on visual amenity to warrant a refusal recommendation.

RESIDENTIAL AMENITY:

The proposal does not include any extensions and therefore there will be no built impacts from the development in terms of unacceptable overbearing or overshadowing.

In respect of overlooking, given the internal remodelling of the building, side facing windows serving habitable rooms are proposed facing number 1 Baldwins Crescent. Notwithstanding this, conditions can be imposed ensuring these windows are fitted with obscure glazing in order to protect the amenity of this property.

While noting local concerns in respect of potential for noise disturbance, having regard to the lack of objection from the Environmental Health Officer, and the authorised use of the property as Class B1 offices, it is considered that the proposal would not lead to harmful or unacceptable levels of noise, disturbance, or nuisance that would warrant refusal of this application.

HIGHWAY SAFETY (E.G. PARKING AND ACCESS):

Policy TR2 of the Local Development Plan states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The policy also requires that sufficient parking and cycle provision is provided and that the development is accessible by a range of travel means.

During the application process there has been concern raised regarding the potential impact allowing this development would have on the existing local highway network, namely the increase in traffic and parking congestion.

The Head of Engineering and Transport (Highways Section) is of the view that the proposal should be subject to the same parking standards as for C3 dwelling houses and provide a maximum of three parking spaces. It is also noted that there is a separate self-contained one-bedroom unit at the rear which would require a further space.

Given 5 parking spaces are proposed, the proposal exceeds the requirement for a maximum of 4 spaces (set out above) and therefore it is considered that parking provision is adequate.

Furthermore, the site is sustainable, being situated on a bus route and within close proximity to the new University Campus. Given the sustainable location of the development, it is likely that there will also be a reduction in the use of the private car.

However, only limited details of a cycle and bin store have been provided in support of the application. It is therefore considered reasonable for any grant of planning permission to be conditional on the submission of further details demonstrating an acceptable provision of bin and cycle store to cater for the proposed development.

Having regard to the above, it is concluded that the development would represent an acceptable form of development in a sustainable location which would have no unacceptable impact on either highway or pedestrian safety.

ECOLOGY:

The proposal has been assessed by the Biodiversity Officer who has raised no objection to the proposal. It is therefore considered that the proposed development would not have any unacceptable impact in relation to ecology and biodiversity.

DRAINAGE:

The Local Authority's Drainage Officer has been consulted and has raised no objection to the proposal. The application is therefore acceptable in terms of drainage.

CONTAMINATED LAND:

The Contaminated Land Officer states that historical maps show an old railway line where the proposed car park spaces will be sited which could be a source of contamination. However, given no alterations to the parking surface is proposed, a standard condition dealing with unsuspected contamination and a note relating to the use of Personal Protective Equipment (PPE) and the adoption of safe working practices will be sufficient in this instance.

HEALTH AND SAFETY

The site is located within the consultation zone for 'Jeremys Oil'. However, HSE does not advise against the grant of planning permission.

OTHER MATTERS:

Officers have considered carefully all objections to these proposals. In respect of the issue raised concerning developers making financial gain by developing HMOs in the area, while this is noted, it does not constitute a material planning consideration. In all other respects, Officers have come to the view that the objections raised do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed in this report.

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 made in accordance with the Development Plan unless material considerations indicate otherwise.

The development would not result in an overconcentration of Houses in Multiple Occupation in the local area to the extent that it would unacceptably detract from the character of the area and would be acceptable in terms of impact on highway and pedestrian safety, residential amenity, drainage and ecological issues. Subject to the conditions imposed, it would therefore accord with Policies SC1, EN7, EC4, TR2 and BE1 of the Neath Port Talbot Local Development Plan , the Council's approved parking Standards SPG, and national guidance in Planning Policy Wales (2016), and Technical Advice Notes 5, 12, and 18.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Time Limit Conditions

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

(2) The development shall be carried out in accordance with the following approved drawings:

- P09 Rev D received 03.03.17
- P08 Rev B received 26.01.17
- P07 Rev A received 03.03.17
- P06 Rev A received 08.03.17
- P01 received 26.01.17

Reason: In the interests of clarity

Action Conditions

(3) Notwithstanding the submitted plans, prior to first beneficial occupation of the development hereby approved, details of the size, design and siting of a refuse bin housing and cycle store to serve the approved development shall be submitted to and agreed in writing by the local planning authority and the approved cycle and refuse provision shall be provided and available for use prior to first occupation of the premises, and thereafter retained to serve the development.

Reason:

In the interests of amenity.

(4) Prior to first beneficial occupation of the development hereby approved, the car parking spaces shall be laid out and made available for use in accordance with drawing number P06 Rev A and shall be retained and maintained for such use thereafter.

Reason

To ensure adequate parking provision for the development and in the interests of the free flow of traffic and highway safety

(5) Notwithstanding the details submitted and prior to the occupation of either the single residential unit or HMO the side-facing window serving bedroom 6 (lower section only - as identified on dwg. P09 Rev. D) and the bathroom and bedroom in the self contained residential unit shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a minimum of 1.7 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

In the interest of the amenities of the adjacent property and the safety of the occupiers of the applicant dwelling.

(6) The materials to be used in the construction of the external alterations to the building hereby permitted shall match those used in the existing building.

Reason

In the interests of visual amenity.

Regulatory Conditions

(7) No more than 6 persons shall be resident at the premises at any one time.

Reason:

For the avoidance of doubt and in the interests of amenity.

(8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.