

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2017/0421	<u>DATE:</u> 28/04/2017
PROPOSAL:	Change of use from dwelling (C3) to a House of Multiple Occupation (C4)
LOCATION:	85 Talbot Road, Port Talbot SA13 1LA
APPLICANT:	Miss Lara Haxa
TYPE:	Full Plans
WARD:	Port Talbot

BACKGROUND INFORMATION

The application was called into Planning Committee by Ward Member Councillor Saifur Rahaman on the following grounds: Adverse effect on the residential amenity of neighbours, by noise and disturbance; Highway safety, inadequate parking and access; Size of the property and the current internal layout/ setup is unsuitable to allow for HMO; Overcrowding is an issue for environment and health & safety.

In the absence of a Chair of Planning (post-Election) to sit on a 'Committee call in panel', the Head of Planning & Public Protection agreed that the application should be brought to Committee on such grounds.

SITE AND CONTEXT

The application is a terraced dwellinghouse situated at 85 Talbot Road, Port Talbot. The immediate area consists of a street of terraced houses.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the change of use of a dwellinghouse into a House of Multiple Occupation (HMO) for 5 people.

The applicant has indicated in correspondence that they would need to create an access point through the existing sitting room in order for the amenity rooms to be accessed by the individuals.

There are no external works proposed. No off street parking is proposed .

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

PLANNING HISTORY

The application site has no relevant planning history: -

CONSULTATIONS

As noted above, Councillor Saifur Rahaman (Port Talbot Ward) has called the application into Committee for determination.

Environmental Health: No objections (but provide comment in respect of internal layout requiring addressing under EH legislation).

REPRESENTATIONS

The neighbouring properties were consulted on 3rd May 2017 with a site notice also displayed on 3rd May 2017.

In response, to date 4 no. representations have been received, with the issues raised summarised as follows: -

- There is enough social housing in the area to fulfil the quota for helping people with housing problems
- Lack of parking for 5 additional people
- The property is not big enough for 5 individuals
- What class of people will be living in the premises
- Additional refuse created
- Prefer to encourage families to move into the area rather than individuals
- Noise and disturbance
- Layout unsuitable for HMO
- No consultation was taken within the community
- Increase in crime rates
- Neighbour participation in the Regeneration Scheme

REPORT

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 SP3** Sustainable communities

Detailed Policies

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

Supplementary Planning Guidance:

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

Issues

The main issues for consideration relate to the principle of 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; residential amenity of the occupiers of the adjacent properties, and highway and pedestrian safety

Principle of Development

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. 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.

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).

The application site is located within the settlement limits defined by Policy SC1 of the LDP and in an area where there is no concentration of HMOs. Therefore the principle of residential development (albeit a Class C4 HMO use rather than a Class C3 dwellinghouse) would be acceptable subject to an assessment of its general impacts.

Impact on Visual Amenity

There is no impact on visual amenity by virtue of the lack of external alterations proposed.

Impact on Residential Amenity

The proposal does not include any extensions and therefore there will be no additional physical impact from the development.

In respect of overlooking, although the use proposes a change to an HMO under Use Class C4, all habitable room windows remain as they are currently under the C3 Dwelling use. There is therefore no change in circumstances.

While noting concerns in respect of potential noise disturbance, having regard to the lack of objection from the Environmental Health Officer and the authorised use of the property as a dwelling, it is considered that five people living there albeit individually would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds.

Parking and Access Requirements and Impact on Highway Safety

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 locally regarding the potential impact allowing this development would have on the existing local highway network, namely in traffic, parking congestion and pedestrian safety.

The approved Parking Standards SPG does not specifically refer to Class C4 HMOs, but it is considered that the proposed residential use should be subject to the same parking standards as for the existing C3 dwellinghouse use, with both uses requiring a maximum of 3 parking spaces.

In this respect, given that there isn't any existing off-street parking serving the property it is considered that the impact on highway and pedestrian safety posed by the change of use will not be over and above what currently exists for the existing lawful use. Moreover, the site is located in a sustainable location with good access to public transport and local facilities. Accordingly, a refusal on lack of parking grounds could not be sustained.

Environmental Health

It is noted that there are local concerns about the suitability of the property for use as an HMO. It is noted that the Environmental Health department were contacted by the applicant prior to the submission of the Planning Application. The Officer informed them they had no issue with the principle of the property being used as a HMO but they were advised that the current building layout, namely the individual rooms were not large enough to meet the legislative standards required for 5 people.

In an attempt to front load the proposal and also as a means of joined up working between two Council departments, the Planning Authority also reiterated this concern to the applicant informally. While the applicant has not amended their layout to meet the Environmental Officer's requirements, it is nevertheless clear that such internal

arrangements are governed by other legislation (including the Housing Act 2004 and The Management of Houses in Multiple Occupation (Wales) Regulations 2006) and should the applicant wish to make the necessary internal modifications the property will eventually be able to pass Environmental Health legislation. They do not, therefore, preclude the principle of this house being changed to a HMO for up to 5 persons. An informative note will be added to the decision notice advising of the requirement to meet such legislation.

Other Matters

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

The class of people who could potentially live in the unit and neighbour participation in a Regeneration Scheme are not material planning considerations and were therefore not considered in the determination of this application.

In terms of consultation, all Council protocols with regard to a planning application of this type were carried out correctly.

This application is not 'affordable housing', but in any event the amount of 'social housing' in the area is not a material issue in relation to the permission that the applicant seeks in this submission.

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 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 the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in

accordance with Policies BE1 (Design) and TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan.

RECOMMENDATION : Approval subject to 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 plans and documents:

- Red Line Location Plan

Reason

In the interests of clarity.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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 the Neath Port Talbot Local Development Plan adopted January 2016

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies BE1 (1) and TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan.