

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2018/0472	<u>DATE:</u> 12/06/2018
PROPOSAL:	Change of Use from Dwelling (Use Class C3) to House of Multiple Occupation (HMO) (Use Class C4)
LOCATION:	58 Neath Road, Briton Ferry, Neath SA11 2YR
APPLICANT:	Anand Vats
TYPE:	Change of Use
WARD:	Briton Ferry East

BACKGROUND INFORMATION

Ward Councillor Chris James requested on 28th June 2018 that the application be reported to Planning Committee on grounds relating to the “impact of the proposed change of use on highway safety and on the character of the area”.

This request was discussed at the Committee call-in panel on 28th June 2018, where it was agreed that the application should be determined via Planning Committee.

LINK TO RELEVANT PLANS/ REPORTS

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

SITE AND CONTEXT

The application site is located at 58 Neath Road, Briton Ferry.

The application site measures approximately 0.0252 hectares in area. It comprises a two-storey end of terrace property that was previously used as a single dwelling, but is currently vacant and requires some renovation work to bring into a habitable condition.

It is located within the Briton Ferry settlement limit and is bounded by residential dwellings to the north and south, countryside to the east and Neath Road to the west, off which access to the site is gained. There is also a small shared access drive to the south of the property to gain access to a rear yard/ parking area.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from a dwelling (Use Class C3) to House of Multiple Occupation (HMO) (Use Class C4).

It should be noted that no external alterations are proposed to the property, with all works being limited to internal only. It is proposed to provide two bedrooms on the ground-floor together with kitchen, lounges, utility and bathroom, with two bedrooms, kitchen, bathrooms and living rooms at first-floor level.

It is proposed to provide car parking and cycle storage to the rear of the property, accessed via the private driveway at the side of the property.

NEGOTIATIONS

Not Applicable.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2017/0338 Conversion of existing dwelling into 3 no. self-contained flats including insertion of door to ground-floor south side elevation and window to first floor north side elevation; new window and door to ground-floor rear elevation and creation of parking to rear yard. Approved 23/05/17
- P2017/1084 Conversion of one dwelling to two dwellings Approved 17/01/18

CONSULTATIONS

Briton Ferry Town Council: make the following observations:

- i. Overdevelopment of the site and detrimental impact to the street scene
- ii. The additional accommodation will cause additional traffic congestion in an already congested area

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

Environmental Health Section: No objection.

REPRESENTATIONS

The neighbouring properties were consulted on 12th June 2018 with a site notice also displayed on 13th June 2018.

In response, to date 1 no. representation has been received, with the issues raised summarised as follows: -

- It states on the application form (Question 23) that the applicant has spoken to the neighbours but this is not true.
- 6 bedrooms means there could be 6 vehicles, which could cause parking problems.
- Concerns with highway safety and the access on to a busy road.
- Concerns regarding potential noise.
- Concerns that an additional HMO will lead to a detrimental impact on Briton Ferry, which is already in decline.

REPORT

National Planning Policy

- [Planning Policy Wales](#)
- [Technical Advice Notes](#)

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:

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)

EIA and AA Screening

As the development is not Schedule 1 or Schedule 2 Development under the EIA Regulations, a screening opinion will not be required for this application.

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

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.

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.

Assessment of Current Application

It is noted that the request for this application to be called-in to Committee for determination was part of a request for three HMO applications within Briton Ferry East Ward. The request related not only to concerns over the applications individually, but also due to the potential cumulative harm to the character of the area.

While the three applications in question are reported to Committee for determination together, it is nevertheless important for members to understand that each application must be determined individually on its own respective planning merits.

In this respect, this application has to be determined in line with current LDP policies, and it is thus 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 Class C4 HMO use rather than a Class C3 dwelling house) would be acceptable subject to an assessment of its general impacts. Members should also be aware that on this particular property there are extant planning permissions in place to convert it in either two self-contained flats (ref: P2017/0338) or two dwellings (ref: P2017/1084).

Representations from members of the public together with the local Ward Member have raised concerns over the potential impact on the character of the area caused by a concentration / number of HMO's. As noted earlier, however, the Council does not 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, a review of planning application data indicates that the only planning applications that have been received or determined for HMOs since the change to Use Class C4 are the three applications (including this one) being reported to this Committee. Prior to this the last applications submitted were in 1993 and 1994. Moreover Environmental Health indicate that there are no other properties in Briton Ferry East ward which are required to be registered with them as HMOs.

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 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 local character or residential amenity.

As such it is considered that given the limited number of HMOs present in the existing area there are considered to be no objections to the principle of converting this building for C4 residential purposes, and no grounds to refuse this application on the basis of unacceptable impact upon residential amenity or over concentration of HMOs, subject to an assessment of the specific impacts of such development.

Layout and Capacity of Property

The Environmental Health Officer has raised no objections to the principle of this development, but does note that the property would have several generously sized bedrooms and a large kitchen/diner, such that it could potentially house a greater number than 6 people.

While accommodating that number of persons would take it outside of the C4 Use Class – and thus require further planning permission in itself - it is nevertheless considered appropriate to ensure that the number of occupants is restricted by condition to a maximum of 6, both as a matter of principle relating to the intensity and character/ nature of use, but also for parking reasons (see below).

Potential Future Issues of HMO Concentrations

As identified earlier, the LDP does not have any specific local Policies aimed at preventing the spread of HMOs at present. The Planning and Compulsory Purchase Act 2014, however, requires LDPs to be kept up to date, with the Council having an obligation to undertake a LDP review at intervals not longer than every 4 years from initial adoption. Consequently, the first scheduled review of the adopted LDP will be 2020.

It should be noted that it can be difficult for Local Planning Authorities (LPAs) to determine and demonstrate how an application for an HMO will impact on the character and amenity of the surroundings, or indeed at what point the number of HMOs within an area will have an impact upon the existing community. The Welsh Government's 2015 report suggested that a 10% concentration of HMOs is generally when local residents start to express concerns over the intensification and where there could be an impact on the character of the community. LPAs with policies on HMOs across Wales generally have thresholds of between 10% and 20% depending on the evidence and local circumstances.

The demand for HMOs is largely from student populations, but also as a resulting factor of rising house prices and Welfare Reform. Whilst HMOs can play an important role in providing a suitable mix of housing types, concentrations of HMOs in a particular area can have a negative impact on the character and amenity of an area. It is therefore important for the Council to monitor and balance the need for a suitable supply and mix of housing and maintaining balanced communities in future LDP policy.

Members should therefore note that over the course of reviewing the LDP, and depending on the evidence available, it may be considered appropriate at this time to provide a policy framework for planning and HMOs. Any potential policy would however need to provide a fair and consistent approach to the locations and concentrations of HMOs, potentially introducing a threshold or criteria to prevent harmful concentrations or intensification in a particular area should available evidence support such a policy. The review and any potential policy will be subject to full public consultation.

Impact on Visual Amenity

Although there are no external alterations proposed to the property, with all the works being internal only, nevertheless the re-use of a vacant property, with general improvements to its external appearance, will have a positive local impact. In this respect, it is considered that the change of use to HMO (which is residential) would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

In respect of potential overlooking, overbearing and overshadowing, as no external alterations or windows are proposed, it is considered that the proposal would not create any unacceptable issues in these regards.

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 a four-bed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds. Local concerns over the type of future occupants of such a property are not considered to be matters to which weight can be given.

It is also considered that the provision of car parking to the rear (see below) would have no unacceptable impacts on residential amenity.

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.

The Head of Engineering and Transport (Highways) has assessed the proposal and raised no highway objections to the proposal, subject to conditions. In this respect, it is noted that the site already has a rear yard which can be used for parking. Notwithstanding the request from the Head of Engineering and Transport (Highways) for three parking spaces, on the last application (P2017/1084) for two dwellings only two spaces were required (one per dwelling). As two dwellings would be more intensive than the HMO proposed, it is considered that it would be unreasonable to request provision of more than two spaces, which would be acceptable in this instance. A suitably worded condition requiring a parking (and amenity area) scheme is therefore imposed.

It is also noted that the property is in a sustainable location, being situated on the main A474 which is a local bus route. The plans also indicate use of an existing garage for parking of cycles to cater for the proposed development and encourage use of more sustainable means of travel.

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.

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 respect of the concerns that the developer has not consulted neighbours, it should be noted that there is no requirement for them to do this, as statutory consultations are undertaken as part of the planning application.
- In respect of highways safety issues, this has been dealt with previously in the report. As there is sufficient space within the rear

yard to provide two off-street parking spaces, this would be considered acceptable in terms of highway and pedestrian safety. The Head of Engineering and Transport (Highways Section) also offer no objection to the development.

- In respect of potential noise and disturbance, it is considered that the proposed use would be akin to the existing residential use of the property. If any arise in the future in terms of noise, this can be addressed by the Environmental Health Section under their powers.
- Finally, the concerns over a changing demographic, with (alleged) introduction of a more transient population discouraging families and children, have been addressed under the general principle section of this report, but in general terms are not matters which would justify refusal of this application unless the proposal individually or cumulatively was considered to demonstrably and adversely affect the character of the area.

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 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. Approval is therefore recommended.

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 plans and documents:

Site Location Plan.

Existing Floor Plans (Dwg. No. AN001)

Planning Supporting Statement Revision 3.

Reason

In the interests of clarity.

Action Conditions

(3) Prior to first beneficial occupation of the property as a House of Multiple Occupation (Use Class C4), a parking and amenity space scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail a minimum of two off-street car parking spaces, together with surfacing and drainage arrangements to prevent surface water run off onto the Public Highway, plus an amenity area for the occupiers. The approved scheme shall be fully implemented on site prior to the first beneficial use of the House of Multiple Occupation, and retained as such thereafter.

Reason : In the interest of highway and pedestrian safety.

Regulatory Conditions

(4) The House of Multiple Occupation hereby approved shall be occupied by a maximum of 6 people only.

Reason: In the interest of clarity, and to ensure compliance with the Town and Country Planning (Use Classes) Order 1987 as amended.