

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2018/0490	<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:	81 Cwrt Sart, Briton Ferry, Neath SA11 2SR
APPLICANT:	Miss Leanne Badder
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 81 Cwrt Sart, Briton Ferry, Neath.

The application site measures approximately 0.0217 hectares in area. It comprises a two-storey end-of-terraced dwelling with associated garden areas to the front and rear. It is bounded by residential dwellings to the north and west, Cwrt Sart (A474) to the east and Tucker Street to the south. Pedestrian access is off Cwrt Sart (A474), with an existing rear garage accessed off Tucker Street.

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. There are three existing bedrooms at first-floor level, and it is proposed to convert the existing living room and reception room at ground-floor level into two additional bedrooms.

No additional parking is proposed, although the existing garage is indicated to be retained.

NEGOTIATIONS

Not Applicable.

PLANNING HISTORY

The application site does not have any relevant planning history.

CONSULTATIONS

Briton Ferry Town Council: Objection on the following grounds:

- (i) Overdevelopment of the site and detrimental 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.

Environmental Health Section: No objection.

REPRESENTATIONS

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

In response, to date 32 no. representations have been received, with the issues raised summarised as follows: -

- HMO's attract a transient population often with a high turnover of occupiers. This can lead to anti-social problems with existing neighbours/residents in terms of household waste, noise, alcohol consumption and drug use and result in aggressive and intimidating behaviour.
- There are families and children living nearby and the transient population will change the demographic, discourage families buying properties, and may present a risk to those families.
- Potential impact on property values.
- Potential parking issues with cars parked on pavements. There is insufficient parking available for the potential occupiers, plus visitors/families etc.
- There is no real need for HMOs in Briton Ferry.
- Concern with the lack of consultation and communication with local residents.
- Concerns with the future maintenance/appearance of the property due to high turnover of occupiers.

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.

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

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, nor are objections raised to the current application on such ‘in principle’ grounds. 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

By virtue of the fact that no external alterations are proposed to the property, with all the works being internal only, 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.

In respect of the concerns relating to the future maintenance of the property due to a high turnover of occupiers, it should be noted that this would be down to the owner/ manager of the property and would not be a reason to refuse the application. In addition, should the condition of the property deteriorate to such a degree that it would have an adverse impact on the street-scene, the Local Planning Authority would have to potential power to serve a 215 Notice to remedy the situation.

Finally, the Landlord or Managing Agent for this property will still be subject to the national landlord licensing scheme for all rented

properties known as “Rent Smart Wales”. The Management of Houses in Multiple Occupation (Wales) Regulations 2006 will apply to this property if converted and this legislation imposes duties on the manager of a HMO to take safety measures; to maintain in good condition yards, outbuildings, gardens, boundary walls and fences that belong to the HMO; to maintain the living accommodation and to provide suitable refuse storage and disposal arrangements. The Regulations also impose some duties on the Occupiers of a HMO that require them to occupy the property in a manner that does not prevent the manager from performing all of his duties. If the Landlord fails to comply with the above, the Environmental Health Section has potential powers to prosecute if deemed necessary.

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 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. Local concerns over the type of future occupants of such a property are not considered to be matters to which weight can be given.

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.

It is noted that the property is located on a stretch of highway with no parking restrictions on either side, while Tucker Street also has unrestricted parking. This part of Briton Ferry does not, therefore, suffer from a significant parking issue that would warrant a requirement for additional spaces to be provided. In this respect, given that there is only one off-street parking space serving the property (in the garage), 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. As such, a refusal on lack of parking grounds could not be sustained.

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 relating to the transient population and anti-social problems (such as waste, noise, aggressive behaviour), it should be noted that these would not be a reason to refuse this application. Should these issues arise in the future, they would need to be addressed by the relevant section in the Local Authority such as Street-care (waste/recycling), Environmental Heath (noise) and/or the Police (aggressive or intimidating behaviour).
- Turning to the concerns relating to property values, it should be noted that this is not a material planning consideration, so cannot be taken into account when determining a planning application.

- In respect of the need for an HMO in Briton Ferry, and as previously stated in the report, the demand for HMOs is largely from student populations, but also as a resulting factor of rising house prices and Welfare Reform. Nevertheless, it should be noted that the need for the development is not something that can be taken into account when determining this application.
- Turning to the concerns that there has been a lack of consultation and communication with local residents, it should be noted that in line with the Authority's consultation procedure, all adjoining neighbouring properties have been notified by letter (i.e. Number 79 Cwrt Sart and Number 1 Tucker Street) and the application advertised by means of a yellow site notice attached to the lamp-post. The application is also detailed on the weekly list of planning application on the NPT website. It is therefore considered that the application has been advertised in accordance with the Statutory Regulations.

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.

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.

Block/Site Plan.

Ground Floor Existing Floor Plan.

Ground Floor Proposed Floor Plan.

First Floor Existing and Proposed Floor Plan.

Reason

In the interests of clarity.

Regulatory Conditions

(3) 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.