

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2018/0460</b>	<b><u>DATE:</u> 30/05/2018</b>
<b>PROPOSAL:</b>	Change of use from residential unit (C3) to House of Multiple Occupation (C4) for 6 people.
<b>LOCATION:</b>	234 Neath Road, Briton Ferry, Neath SA11 2AX
<b>APPLICANT:</b>	Mr Joe Furneaux
<b>TYPE:</b>	Change of Use
<b>WARD:</b>	Briton Ferry East

### **BACKGROUND INFORMATION**

Ward Councillor Chris James requested on 28<sup>th</sup> 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 28<sup>th</sup> 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 234, Neath Road, Briton Ferry, Neath.

The application site consists of an end of terrace residential property with associated garden areas to the front and rear. It can be accessed and from the front and rear.

### **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, where it is proposed to create an additional bedroom and downstairs the submitted plan indicate the living room converted into a further 2.

Two parking spaces are now proposed to the rear on land in the applicant's ownership.

### NEGOTIATIONS

Although not initially proposed, following receipt of the highway officer's comments, the applicant has submitted a plan indicating provision of two parking spaces to the rear on land in the applicant's ownership.

### PLANNING HISTORY

The application site does not have any relevant planning history.

### 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
- iii. This property is adjacent to the main entrance to Jersey Park and is therefore unsuitable for what could be a transient population

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

**Environmental Health Section:** No objection.

### REPRESENTATIONS

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

In response, to date 3 no. representations have been received, with the issues raised summarised as follows: -

- There is an existing parking problem in the street and therefore the creation of an HMO with inadequate parking facilities will exacerbate the situation.
- Increase in noise and disturbance
- Increase the introduction of inhabitants considered as undesirable into the area.
- 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.

## 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*

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 11 persons rather than the 6 proposed.

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.

The additional parking spaces required to be provided at the rear would be contained within the site and, while located adjacent to the entrance

to Jersey Park, would nevertheless have no unacceptable visual impact.

### 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 six 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.

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.



It is noted that the property currently has no off-street parking spaces, but does have access via the lane to the side (which also serves Jersey Park as well as a number of residential properties).

The Head of Engineering and Transport (Highways) has assessed the proposal and raised no highway objections to the proposal subject to the imposition of a condition requiring provision (and retention) of two off-street parking spaces. Although the existing and proposed use are both residential, nevertheless an HMO has potential to have additional vehicles, and in this specific location (due to limited availability of on-street car parking in the area) it is considered to be justified and appropriate for off-street parking to be provided on a site which can accommodate new spaces. A plan has been provided to demonstrate that these can be provided to the rear (alongside the existing parking and turning area serving other properties)

It is also noted that the property is in a sustainable location, being situated on the main A474 which is a local bus route.

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:

- Concern that the proposal would '*increase the introduction of inhabitants considered as undesirable into the area*' are not matters that can be considered under the planning system.
- In respect of the concerns relating to the transient population and anti-social problems (such as waste, noise, aggressive behaviour), again these cannot be a reason to refuse this application. Even if this change of use were to have any such impacts, or similar 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 Health (noise) and/or the Police (aggressive or intimidating behaviour).

- Matters relating to 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.
- Potential impact on property values is not a material planning consideration.

## 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: Approve 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:

- Red Line Location Plan
- Proposed Plans First Floor
- Proposed Plans Ground Floor
- Proposed Parking Spaces

## Reason

In the interests of clarity.

## Action Conditions

(3) Prior to first beneficial occupation of the property as a House of Multiple Occupation (C4), two off-street car parking spaces shall be provided on land to the rear in accordance with the amended parking plan received on 2nd July 2018. Such spaces shall be surfaced in a porous material or provision made to direct run off water to a soakaway or permeable surface within the curtilage of the property. These parking spaces shall thereafter be retained for the use of the occupiers of the house of multiple occupation only.

## Reason

In the interest of highway 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.