

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2018/0656	<u>DATE:</u> 07/08/2018
PROPOSAL:	Change of use of residential dwelling (Class C3 to a HMO Class C4)
LOCATION:	17 Elba Crescent, Crymlyn Burrows, Swansea SA1 8QQ
APPLICANT:	Mr Anton Rimko
TYPE:	Change of Use
WARD:	Coedffranc West

BACKGROUND INFORMATION

Ward Councillor Helen Ceri Clarke requested on 3rd September 2018 that the application be reported to Planning Committee (in summary) “*to ensure the application is properly scrutinised to ascertain whether it would have an adverse impact on the character of the village, whether it would cause noise and litter and whether the lack of parking spaces would have a detrimental impact*”.

This request was subsequently discussed at a Committee call-in panel (with the acting Chair at that time, Hugh James), 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 17 Elba Crescent, Crymlyn Burrows which comprises a two-storey semi-detached property previously used as a single dwelling, but is currently vacant and requires some renovation work to bring into a habitable condition.

The property is located within the Crymlyn Burrows settlement limit and is bounded by residential dwellings to the east and west, the A483 to the north and an outbuilding from an old factory unit understood to be part of

Bay Studios to the south. There is also a small shared access drive to the rear of the property which provides access to an existing garage.

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, lounge, and bathroom, with three bedrooms and a bathroom at first-floor level.

It is proposed to provide an additional car parking space (alongside an existing garage) to the rear of the property.

PLANNING HISTORY

The application site has no relevant planning history.

CONSULTATIONS

Coedffranc Town Council – Object on the following grounds:

1. Parking concerns for 5 extra residents. What locations are given for extra parking?
2. Concerns have been raised for the amount of extra waste that 5 residents will have and what impact it will have on the local area and the services;
3. Issues of noise have been raised for the local residents;
4. The council would like to know how many HMOs have already been converted and what are the limits?

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

Environmental Health (Noise) – No objection, subject to conditions

REPRESENTATIONS

The neighbouring properties were consulted on 8th August 2018 with a site notice also displayed on the same date.

In response, to date 9 no. representations have been received, with the issues raised summarised as follows: -

- Concerns that an additional HMO will lead to a detrimental impact on Crymlyn Burrows, which is already in decline.
- 'Studentification' will have a detrimental impact on character, social cohesion/ stability, family values and on private property values, contrary to Council's vision of creating sustainable communities.
- The decrease in family homes is already having an impact on the declining numbers of school age children from the village in the local school.
- Any amount of HMO's over 10% will be a concentration of HMO's in the area and the students will bring a different set of values with them than the host community and that a balanced community would become unbalanced.
- An objector states that the proposal is against Policies contained in the LDP and that 35% of the properties in Crymlyn Burrows are HMO's. 18% on Elba Crescent and 17% on Baldwins Crescent. Another objector states that it is 20% out of 70 homes are HMO's.
- The planning section is wary of refusing the application in case the proposal goes to appeal and costs are awarded to the applicant. Objector says these costs would be less than overall council costs if approved – waste management, parking, schools and health costs.
- 5 bedrooms means there could be 5 vehicles, which could cause parking problems where there are already parking problems due to the university students and HMO university students.
- Concerns with highway, pedestrian and cyclist safety and the access on to a busy road. Student and builders vehicles block up the rear access lane.
- Concerns regarding potential noise due to the banging of the heavy fire doors, antisocial behaviour of the students, playing loud music indoors and from parked cars and alleged foul language, vandalism and drunken behaviour.
- Rubbish concerns at dwellings and fast food containers thrown in the street and that rats could be attracted.
- Anti-social behaviour has already been reported to the police in respect of the student residents and their guests.

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

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).

As part of a fresh review of HMOs in this area, and alongside a recent enforcement investigation (following local complaint), Officers have liaised with Council Tax and Environmental Health colleagues, as well as serving Planning Contravention Notices (PCNs) on 12 properties within this area which have been referred to in complaints. This has sought to ascertain a clearer picture of the number of existing and potential unauthorised HMO's in this area.

The results of this investigation confirm that: -

- Two properties in Elba Crescent (no's 1 and 29) are HMOs known to Council Tax; and another one property (no. 26) has recently been granted a Certificate of Lawfulness of Existing Use as a HMO (app. Ref. P2018/0624). These properties were all converted prior to the change to Class C4 in 2016.
- One property in Baldwins Crescent (no. 18) is an HMO known to Council Tax, with a further one (Compass House, 1a Baldwins Crescent approved as an HMO at planning committee (P2017/0085) (three occupants registered at December 2017).

This would therefore mean that there are 5 properties that are currently known to be HMO's out of a total of 72 dwellings (6.9%) in these two streets (41 in Elba Crescent and 31 in Baldwins Crescent).

In addition, because of the relatively small number of properties in this area, Officers have reviewed the register of electors and undertaken an additional visit to the area. Based on registered electors at each address, this review indicated two other properties that might comprise a multi-person (non-family) household, with approximately 4 other properties with no registered Electors (which could either be vacant, non-registered households, or potentially unauthorised HMOs). The related visit, however, indicated no obvious evidence that these properties were in use as HMOs. Thus for the purposes of determining this application, there remains no evidence that there is a wider issue HMO issue in this area to the extent that it would justify refusal of an application. Nevertheless, the situation will continue to be monitored / investigated.

In this regard it is acknowledged that the actual number of HMOs in any area could be higher, due to some HMOs not being licensed or known to the Council (which may have been used for shared accommodation prior to the change to the Use Classes Order). In this respect, it is noted that there is concern in the local community about the potential impact of

HMOs on local character and social cohesion, as well as associated potential issues arising from the use of HMOs by the student population from the nearby University campus.

In particular, concern has been raised that 'studentification' will have a detrimental impact on character, social cohesion/ stability, family values and on private property values "contrary to the Council's vision of creating sustainable communities". In this respect they state that any amount of HMO's over 10% will be a concentration of HMO's in the area and the students will bring a different set of values with them than the host community and that "a balanced community would become unbalanced".

While these concerns are acknowledged, the most up to date figures available indicate only a limited number of HMOs in the surrounding area, and much less than the 35% or 20% of properties quoted in correspondence. In this respect, based on the current understanding / figures, it is considered that the general character of the area remains unaffected to any significant or unacceptable degree by such uses. Moreover, there is not considered to be any robust evidence that would demonstrate that there is a significant existing problem or that the proposal for an additional one unit would exacerbate any such issues to the extent that it could be demonstrated that there would be any unacceptable impact on local character.

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 5 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 5, 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 five-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.

Notwithstanding the above, given the concerns expressed locally, as part of our assessment Officers have engaged with colleagues in waste/ pest control and streetcare to ascertain whether there have been substantiated complaints relating to the impact of existing HMOs in this area. These enquiries have indicated that, while there have been a few complaints about one property (no. 18 Baldwins Crescent), these have not led to any issues requiring action. Another complaint related to excess litter around the area, allegedly due to the student population, but action was not required, while the waste/pest control Enforcement Officer advises that he has had no dealings with any properties in either Elba Crescent or Baldwins Crescent in the last few years.

In light of the above, it is considered that there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their powers.

Finally, 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, cyclist 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 garage which can be used for parking one car and intends providing a further car parking space in the rear garden (provision of which can be conditioned). It is also noted that the property is in a sustainable location, being situated on the main A483 which is a local bus route and opposite the new University Campus.

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 by members of the public, the community council and the ward member. In response to the main issues raised, which have not been addressed elsewhere in this report, the following comments are made:

- It has been noted that there are already two single people living upstairs. However, as there are only two people living in the house Class C4 would not apply.
- The students are causing rubbish issues at the properties and are throwing fast food containers in the street, both of which could attract rats. This would not be a material planning concern and would be an environmental health issue.
- 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 drawings:

Site Location Plan - Dwg. No. 102

Existing Floor Plans - Dwg. No. 101

Reason

In the interests of clarity

Action Conditions

(3) Prior to first beneficial use of the property as a House in Multiple Occupation (HMO) the additional car parking space as shown on drawing number 102 titled Site Plan shall be provided on site, and shall be hard surfaced in porous asphalt or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house to a maximum gradient of no greater than 1 in 9 and no less than 1 in 150. The surface water shall not drain directly or indirectly into the highway drainage network. The parking space shall thereafter be retained in accordance with such approved details.

Reason

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

Regulatory Conditions

(4) No more than 5 persons shall be resident at any one time within the House in Multiple Occupation hereby approved.

Reason:

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