

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2019/0358	<u>DATE:</u> 11/04/19
PROPOSAL:	Change of use of residential dwelling (Class C3 to a HMO Class C4), single storey rear extension and alterations to fenestration
LOCATION:	3 Elba Crescent, Crymlyn Burrows, Swansea SA1 8QQ
APPLICANT:	Mrs L Curzon
TYPE:	Change of Use
WARD:	Coedffranc West

BACKGROUND INFORMATION

Ward Councillor Helen Ceri Clarke requested on 8th May 2019 that the application be reported to Planning Committee (in summary) because of insufficient parking provision and an increase in the amount of people which could increase the amount of noise and rubbish from the property.

This request was subsequently discussed at a Committee call-in panel with the Chair, Cllr Paddison, where it was agreed that the application should be determined at Planning Committee.

Members should also note that the other application before this Committee (ref. P2019/0381) for no. 38 Elba Crescent has also been reported to Committee at the request of Councillor Clarke, although each application must be assessed on its respective planning merits.

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 3 Elba Crescent, Crymlyn Burrows which comprises a two-storey semi-detached property currently in Class C3 (dwelling) use.

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 south and industrial land to the north. There is also a lane to the rear of the property.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from a dwelling (Use Class C3) to a House of Multiple Occupation (HMO) (Use Class C4). The proposal also includes a single storey rear extension and alterations to fenestration.

The proposed extension will be 3.43 metres in width, 2.4 metres in depth and 3 metres in height and will provide space for an enlarged relocated kitchen. There will be a rear facing window and a side facing door on the east side elevation. The roof will be a flat roof to harmonise with the flat roof of the two storey extension.

The rear facing first floor landing window will be enlarged and the existing rear facing ground floor kitchen window will be altered so that it creates French doors. It is proposed to provide two bedrooms on the ground-floor together with kitchen, lounge, and bathroom, with three bedrooms, a shower room and a bathroom at first-floor level.

Two car parking spaces will be provided in the rear garden area with access off the existing rear lane.

PLANNING HISTORY

The property has no planning history.

CONSULTATIONS

Coedffranc Town Council – Object on the following grounds:

1. Members believe that there are approximately 10 HMO's in Crymlyn Burrows
2. Members enquiring if Policy is to be introduced to cap numbers of HMO's
3. Parking concerns for extra residents as there is already an issue due to the university and existing HMO's
4. Policy TR2 states that permission should only be granted for development in terms of access, parking and highway issues

5. Community Council has received objections from residents regarding concentration of HMO's
6. It's a ghost town during student holidays

Head of Engineering & Transport (Highways) – No objection

Environmental Health (Noise) – No objection

REPRESENTATIONS

The neighbouring properties were consulted on 23rd April 2019 with a site notice also displayed on the same date.

In response, 15 no. representations have been received in total from 11 different properties (i.e. duplicate correspondence has been received from a number of properties either from the same person or different occupiers of that property) 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.
- 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 development could cause further 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. Elba Crescent and Baldwins Crescent are part of the National Welsh Cycle Route.

- Concerns regarding potential noise due to the banging of the heavy fire doors, antisocial behaviour of the students, vandalism.
- Concerns regarding an increase of rubbish in relation to the dwellings in addition to rubbish thrown in the street and the potential to attract rats. The houses and gardens are turning into eyesores.
- The village is a ghost town during student holidays
- The plans are incorrect as there is a two storey extension at the property.
- The proposal would create a sandwiching effect as it would create HMO's both sides of a residential dwelling.

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
- **Policy SP1** Climate Change

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.

Background Information - Previous Applications

Members will recall that a previous application for a HMO (at no. 17 Elba Crescent) was reported to Committee on 2nd October 2018 following local concerns about the number of HMOs in the area.

That application was approved on the grounds that based on the limited number of HMOs present in the existing area there were considered to be no objections to the principle of converting that building to C4 residential purposes, and there were no grounds to refuse the application on the basis of unacceptable impact upon residential amenity or over concentration of HMOs.

Including that approval, the number of known (or approved) HMOs out of a total of 72 dwellings in these two streets (41 in Elba Crescent and 31 in Baldwin's Crescent) at that time was 6 (8.3%), made up of 4 in Elba Crescent and 2 in Baldwin's Crescent.

Members were advised at that time that there was no evidence that there is a wider HMO issue in this area to the extent that it would justify refusal of an application. Nevertheless, the situation would continue to be monitored / investigated.

Evolving National Policy Context

Since the last HMO application was reported to Committee in October 2018, Welsh Government has issued [Planning Policy Wales](#) Edition 10 in December 2018 in a substantially revised form developed around the goals embodied in the Well-being of Future Generations (Wales) Act 2015.

This includes a significant emphasis on placemaking and the creation of sustainable places and their role in improving the well-being of communities. Indeed, PPW10 emphasises that one of the "Key Planning Principles" is "Creating & sustaining communities", noting that:

"The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes,

jobs, services, infrastructure and facilities so that people feel content with their everyday lives.”

It goes further to add that Social Considerations include:

- who are the interested and affected people and communities;
- how does the proposal change a persons way of life, which can include:
 - how people live, for example how they get around and access services;
 - how people work, for example access to adequate employment;
 - how people socialise, for example access to recreation activities; and
 - how people interact with one another on a daily basis
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and
- how does the proposal support development of more equal and more cohesive communities.

When referring to housing (at 4.2.1), PPW also emphasises the need for Councils to “make informed development management decisions that focus on the creation and enhancement of Sustainable Places”. In this regard, it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

Evolving Local Context

Although it is emphasised that it not directly relevant to this Authority or its decisions, it is also of note that the City & County of Swansea (CCS) adopted its LDP in February 2019, which now includes a HMO Policy, accepted by the LDP Inspectors, and based on local background evidence, notably a report by an independent company called Lichfields.

That background evidence report, while focussing on CCS, is nevertheless of relevance insofar as it identifies the wider national context, and also the issues surrounding Swansea University (including the Bay campus which lies within NPT).

That report notes that: -

- HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people.
- Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services
- The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

The analysis undertaken by Lichfields identified a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts were summarised as:

1. Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
2. Isolation for the remaining family households in areas with very high concentrations of HMOs;
3. Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
4. Issues of anti-social behaviour, noise, burglary and other crime;
5. Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
6. Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs.

As a consequence of this research, CCS now has an adopted HMO Policy in their LDP. However, the complexity of assessing whether any proposed change of use has a harmful impact on local character or community cohesion is demonstrated by the varying criterion in their Policy, which includes a requirement (outside of their HMO Management areas – these being existing areas of high HMO concentration) for any proposal not to result in more than 10% of all residential properties within a 50m radius of the proposal being HMOs, and within ‘small streets’ for a proposal to not “create a disproportionate over-concentration of HMOs within that street”. In addition to specifying % rates within designated areas, the policy also requires an assessment of whether the development would have an unacceptable adverse impact caused by noise nuisance and general disturbance.

The supporting text to their Policy is also relevant to a wider understanding of the issue, insofar as it emphasises that there is a need for future HMO provision to be managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance. These objectives are equally pertinent to consideration of this application.

It also emphasises that “National research has identified that 10% is a general ‘tipping point’ beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can ‘tip’ from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

Assessment of Current Application

While it is again emphasised that the CCS Policy context described above is not directly relevant to this assessment, the approach itself is considered to have merit insofar as it is an evidence-based approach that provides a robust rationale for applying a 10% threshold for all areas outside their HMO Management Area. This does not mean, however that anything over 10% is unacceptable or harmful as a matter of principle given the need to still demonstrate the harm of such concentrations and the absence of a policy within NPT.

In the absence of a HMO Policy, this application has to be determined in line with current LDP Policies. In this respect it is 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. This includes consideration of any potential wider impacts on local character and social / community cohesion created by Class C4 uses, as well as other amenity / highway issues.

The wider assessment of the principle, however, should have regard to the local and national context described earlier, and it is especially notable that there is a need for this Authority to ensure that the years where there is a '*policy vacuum*' between the adoption of our current LDP (in January 2016) and conclusion of the review (commencing 2020 and adoption in 2024) is not *taken advantage of* by developers to the extent that applications are progressed incrementally to the point where the character and cohesion of the local area could be irreparably harmed.

Within this context, back in October 2018 the Planning Committee report and subsequent resolution accepted that a total of 6 HMOs out of a total of 72 dwellings (8.3%) in these two streets (4 of 41 in Elba Crescent and 2 of 31 in Baldwins Crescent) would not have an unacceptable impact on local character, and it remains the case that the conclusions reached at that time were robust and sound.

Current Situation

The ongoing consideration of the HMO issue in this small 'settlement' previously included liaison with Council Tax and Environmental Health colleagues, as well as serving Planning Contravention Notices (PCNs) on 12 properties within this area which had been referred to in complaints.

In addition, because of the relatively small number of properties in this area, Officers have reviewed the register of electors, council tax records and undertaken visits to the area, including recent door-to-door visits, all of which have sought to ascertain as far as possible a clearer picture of the number of existing (and potentially unauthorised) HMO's in this area.

Whilst it is acknowledged that the 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), the reconciliation of a number of different databases provides confidence that we have an accurate picture of the current uses within each property in the two streets concerned. 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.

The detailed research work above had identified that in the last six months things have moved on insofar as there is an additional known (pre-2016) HMO at 30 Elba Crescent which did not form part of the earlier assessment. Moreover, the council is also currently considering two applications in Elba Crescent, namely this one at no. 38 and another at no. 3. It is thus clear that the pressure on the area is increasing due to the proximity to and popularity of the Bay Campus.

As a consequence of Officers' further research, the current situation in the 'two streets is as follows: -

ELBA CRESCENT

- **Five known HMOs in Elba Crescent - No's 1, 17, 26, 29 and 30.**

Note: No 1 Elba Crescent was previously split into two, but has reverted to a single HMO, thus the number of properties on Elba Crescent is now 40 (not 41).

This means that the percentage of C4 HMO's in relation to C3 residential dwellings in Elba Crescent is now **12.5%** (i.e. 5 out of 40 properties).

Breaking this down into the two discreet stretches within Elba Crescent (no's 1-18; and 19 – 40) separated by the rear access lane, the figures are as follows: -

- No's 1 - 18 : 2 out of 18 dwellings (11.1%)
- No's 19 - 40 : 3 out of 22 dwellings (13.6%)

It is also notable that 11 out of the 40 dwellings (including the application site) are 'rented', with at least one of these known to be rented to a maximum of 2 students (this use remains as a dwellinghouse rather than a C4 HMO).

BALDWINS CRESCENT

- **Two known HMOs in Baldwin's Crescent** - No. 18 and Compass House 1a Baldwins Crescent (approved as an HMO at planning committee - P2017/0085)

This means that the percentage of HMO's in Baldwins Crescent is currently **6.5%** (i.e. 2 out of 31 properties).

Looking at the two streets as a whole, there are currently 7 properties that are known to be HMO's out of a total of 71 dwellings (**9.86%**).

To emphasise the extent of local concern, a large number of representations have been received from members of the public on previous and current applications (15 no. to date on this application from 11 different properties) together with the local Ward Member's objections, and these have increasingly raised concerns over the potential impact on the character and cohesion of the area caused by a concentration / number of HMO's. The local residents undoubtedly 'paint a picture' of a settlement which is increasingly being changed by the introduction of student houses ('*studentification*') with the associated impacts on local character, amenity and social cohesion.

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). Accordingly it is necessary to consider within the context of current LDP Policies, albeit having regard to other locally-based evidence/assessment of the issues, whether the proposed conversion of this property would have adverse impacts on local character etc.

Current Character of this 'small settlement'

The 71 properties that combined make up Elba and Baldwin's Crescents lie in close proximity to the Swansea Bay Campus

development, and it is considered appropriate that these are characterised for the purposes of this assessment as an individual *settlement*. Moreover, due to its proximity to the Campus and its limited scale, it is considered to be a settlement which could be affected more readily by change in terms of demography and tenure. As such, it is considered that this area is more sensitive to change than, say, a larger settlement or city and town centre typology, where larger number of residential units in higher densities could absorb change at a higher percentage more readily.

There is also merit in considering each 'street' individually as well as together, given that Elba Crescent is increasingly being 'targeted' for HMOs and thus the capacity to accommodate change in that single stretch of 40 properties is incrementally being tested (with two such proposals before this Committee).

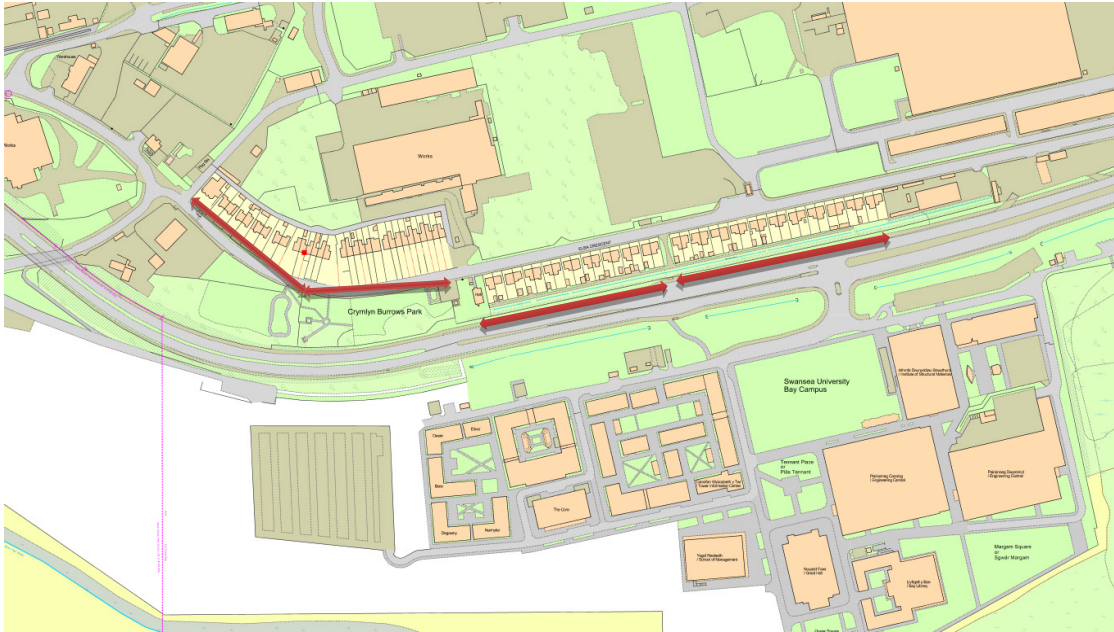
It is within this context that the local residents have expressed concern over the impact of ongoing and rapid changes to the properties in the area. In particular, concern has been raised that 'studentification' will have a detrimental impact on character, social cohesion/ stability, family values and 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".

Having regard to the guidance in PPW (4.2.1), which emphasises the need for Councils to "make informed development management decisions that focus on the creation and enhancement of Sustainable Places" it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained. Moreover, this appears on the face of it, particularly relevant in areas such as Elba / Baldwins Crescent where communities are small and under pressure from alternative development or uses, or where the scale and character of the area makes it more sensitive to change, or the perception of change that results in a loss of social cohesion and character.

A 10% 'tipping point' has been referred to earlier in this report, taken from national research "as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts associated with this demographic change". Nevertheless, it is necessary to give significant weight – especially in the absence of a specific 10% / HMO Policy – to the need to demonstrate whether a proposed change of use would result in harm, based on the existing character of the area. Accordingly, it is clear that the specific circumstances within an area will be paramount in determining if the level of HMO development will result in any significant impacts upon those material considerations previously identified, including impacts upon residential amenity, and social cohesion. In other words, there is no 'one size fits all' approach that can be robustly defended at appeal.

The following facts are thus pertinent to the overall assessment of harm:-

- The 'community' / 'settlement' is made up of only 71 properties, and is in very close proximity to the Swansea University Bay Campus;
- The settlement is under increasing pressure from proposed HMOs, which is increasing local concerns about the impact on the community and social cohesion.
- Nevertheless, the 'settlement' as a whole has no greater than 7 properties known to be HMO's (**9.86%**), and with the exception of no's 26, 29 and 30 Elba Crescent) these are largely spread out.
- Baldwins Crescent is also largely unaffected, with only 2 HMOs out of 31 properties (6.5%)
- Elba Crescent has slightly more HMOs (**12.5%** i.e. 5 out of 40 properties), which in terms of assessing impacts at a more local level can be usefully broken down into two separate 'stretches' (separated by an access lane). *Excluding the current proposals at 3 and 38*, the figures are as follows: -
 - No's 1 - 18 : 2 out of 18 dwellings (11.1%)
 - No's 19 - 40 : 3 out of 22 dwellings (13.6%)



In terms of the proposed picture, when the settlement is looked at as a whole, if planning permission is granted for this development, the number of HMOs would increase to 8 (this would increase to 9 should planning permission also be granted for no 38 Elba Crescent) This amounts to 11.27% of the total number of residential properties. (This would further increase to 12.68% if No 38 Elba Crescent is also granted) This number together with the fact that they are adequately dispersed along the length of both streets demonstrates that there will be no distinguishable concentration, other than a single concentration of HMOs at 26, 29 and 30 Elba Crescent within this area.

In this respect, approving no. 3 as an HMO would result in (at worst) 16.7% of HMOS (3 out of 18 properties) in one 'run' on 1-18 Elba Crescent. Moreover, while the application property is located close to no. 1 Elba Crescent (and would result in 2 out of 3 properties in HMO use), these two properties would be significantly separated from the other nearby HMO at no. 17. In this respect, it is considered that no. 3 would not result in an unacceptable 'concentration' of HMO use in this part of the street, nor result in unacceptable impacts on character to the extent that refusal of the application on such grounds would be justified.

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 current application must therefore be assessed on its merit and having regard to the current policy position. This was reinforced in a letter from Lesley Griffiths dated 27th February 2018 where she confirmed the following:

“Local Planning Authorities need to consider whether any concentrations of HMOs in their local area are causing problems and, if so, to put in place robust local evidence based policies in their Local Development Plan against which planning applications for HMOs can be assessed. Further detail on the policies can be set out in Supplementary Planning Guidance (SPG). However, only the policies in the development plan have legal status under section 38(6) of the Planning and Compulsory Purchase Act 2004 in deciding planning applications. SPG may be taken into account as a material consideration. LDPs must not delegate the criteria for decisions on planning applications to SPG which should only contain guidance and advice. Nor should SPG be used to avoid subjecting policies and proposals to public scrutiny and independent examination in accordance with statutory LDP procedures. In making decisions on matters which come before them, LPAs, the Planning Inspectorate and the Welsh Government should give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.”

Given the concerns expressed locally, as part of our ongoing 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, from one neighbour, 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.

Accordingly, in the absence of any sustained and upheld complaints in this part of Elba Crescent or the street(s) as a whole, there is no evidence to justify a refusal of this application on grounds relating to any unacceptable impact on local character or community cohesion.

In light of the above, and based on the current LDP Policy context, it is considered that there are no justifiable 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.

The accommodation of more than 6 residents within the property would take it outside of the C4 Use Class which would require further planning permission in itself. Nevertheless it is considered appropriate to ensure that the number of occupants is restricted by condition to a maximum of 5 (one per bedroom), 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.

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

The proposal involves the construction of a modest single storey rear extension which will incorporate a similar design and use of materials as the existing property. Given its location to the rear, it will only be readily visible from the rear gardens of neighbouring properties and the rear access lane beyond which are a line of trees and Fabian Way. In this respect, it is considered that the change of use to HMO (which is residential) together with a modest extension would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

While a flat-roof single-storey rear extension is proposed, this would be modest in scale and is separated from the adjoining property (No. 5) by an existing two storey extension on the application property itself. The restricted height of the single storey extension at only 3 metres together with a separation distance of 4 metres from the boundary with the adjoining property will ensure that there are no unacceptable overbearing impacts. In terms of overlooking a rear access door is proposed on the side elevation of the extension facing No.5 however there is an existing 1.8 metre high means of enclosure along the boundary between Nos 3 and 5 which will protect against unacceptable overlooking.

In terms of the other neighbouring property (No.1) there is a separation distance of 6 metres between the end of the proposed extension and the nearest part of the adjacent dwellinghouse, which given the modest height of the extension and the existence of a mature hedge along the boundary, will ensure that there are no unacceptable overbearing impacts. There are no windows or other additional openings proposed on the elevation facing no. 1 and as such there will be unacceptable overlooking impacts.

In terms of potential impact on residential amenity from the proposed use, a key issue that has been assessed concerns the fact that allowing this application would leave one existing C3 dwelling 'sandwiched' between two HMOs. This is a situation which the Swansea LDP, for example, has sought to preclude within their LDP Policy, the purpose of which is to prevent the potential for negative amenity impacts upon a residential property as a result of being sandwiched between two HMOs.

It is noted, however, that the 'non-sandwiching' part of Swansea's Policy has yet to be tested at appeal, and that the background evidence to the Policy identified that such a Policy criterion could be problematic. Nevertheless, they supported its inclusion based on local evidence and the fact that other LPAs were trialling such an approach in their LDPs, concluding that "this policy could be trialled as an appropriate policy response, and any Appeal outcomes that arise out of this approach being challenged could be monitored accordingly to examine whether the policy is sufficiently robust and effective".

Having regard to the above, it is again important to emphasise that NPT has no HMO Policy in its LDP, and no *non-sandwich* policy as a consequence. Nor does it have the direct evidence relating to NPT which supported inclusion of such a criterion within the CCS Policy. Accordingly, an '*in-principle*' objection on sandwiching grounds would be difficult to sustain at appeal unless it is supported by evidence of complaints.

In this regard, while noting local concerns in respect of potential noise disturbance and the fact that there is potential for an increase in disturbance by an intensified use of no. 3 (together with the existing HMO use of no. 1), having regard to the lack of objection from the Environmental Health Officer and the absence of any identified / ongoing complaints in respect of no. 1 Elba Crescent, it is considered that it would be difficult to robustly defend a refusal on such grounds.

This conclusion is also taken having particular regard to the fact that no. 2 would not be physically attached to **both** no's 1 and 3 (i.e. it is semi-detached not terraced) thus limiting some of the issues that can arise in terraced properties in terms of noise transmission.

Accordingly, it is considered that the proposed five-bed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds. Nevertheless an informative will be attached to any decision strongly advising the developer to consider Part E: 'Resistance to the passage of sound' of the Building Regulations 2000 especially in relation to the party wall between this property and the attached residential dwelling (since appropriate acoustic insulation of the party wall will help reduce the potential for complaints to the Local Authority regarding noise disturbance from the intensification of the use at this property). Local concerns over the type of future occupants of such a property are not considered to be matters to which weight can be given.

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 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. In this respect, it is noted that two car parking spaces are proposed 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 within which an extensive bus service operates. The plans also indicate provision of vertically-mounted storage for 5 bicycles in the rear garden.

It is noted that whilst concerns are raised about on street parking, it is likely that this is caused by non-resident traffic rather than from those living within the two streets. Traffic Regulation Orders are in place to control such parking and the area is patrolled regularly by traffic enforcement including the new camera vehicle which came into operation earlier this year.

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:

- The students are causing rubbish issues at the properties and in the street, both of which could attract rats. This would not be a material planning concern and would be an environmental health issue.
- There is a general concern over the possible risk of increased crime and that the playground is no longer used by children and students breaking down a fence to create a short cut onto

Fabian Way. This would not be a material planning concern and would be a police matter.

- 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 local character or community cohesion, on 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

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved drawings:

Site Location Plan – Dwg No 04.19.3E.03 Rev B
Proposed Floor Plans - Dwg No 04.19.3E.D2 Rev C

Reason

In the interests of clarity

Regulatory Conditions

- 3 Prior to first beneficial use of the property as a House in Multiple Occupation (HMO) the car parking spaces as shown on drawing number 04.19.3E.03 Rev B 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 in the interests of highway safety and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 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.

- 5 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason:

In the interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.