

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2019/5182	<u>DATE:</u> 19/07/2019
PROPOSAL:	Change of use from C3 to C4 (5 bedroom HMO) - Amended Description July 31st 2019
LOCATION:	20 Olive Street, Aberavon, Port Talbot SA12 6EN
APPLICANT:	Mr Joe Furneaux
TYPE:	Full Plans
WARD:	Aberavon

BACKGROUND INFORMATION

Ward Councillor Steffan Ap Dafydd requested on July 24th 2019 that the application be reported to Planning Committee (in summary) because there are local concerns about how such a House of Multiple Occupation (HMO) would impact on the environment of other residents and how such a development could impact on vehicle parking in the area.

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 20 Olive Street, Port Talbot which comprises a two-storey terraced property currently in Class C3 (dwelling) use.

The property is located within the Aberavon settlement limit and is bounded on all sides by residential properties. There is a lane serving the rear of the terrace.

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 development proposes a change of use to a 5 bedroom HMO with no external alterations to the existing building. The submitted plans do however include provision for bin storage and bicycle stores within the rear curtilage.

PLANNING HISTORY

The property has no relevant planning history.

CONSULTATIONS

Aberavon Ward: Objections have been received from the Ward Councillors:

Cllr Nigel Hunt raised the following concerns:

- There are many vulnerable families in Olive Street in terms of young children and the aged.
- The access to the road has also been problematic
- Is their scope for the Landlord to vet the occupants and will the residency be contract based? And if so for how long?
- There is a history of Police being called to the street.
- Housing stock value is reducing which in turn is allowing landlords to buy up cheap properties.
- Residents have concerns about the proliferation of new unsavoury residents that are recently residing in Aberafan and the surge in violence and disorder.
- An Aberafan man has recently been charged with murder, a worker in the nearby shop in Bailey Street was seriously assaulted whilst working.
- A Police Helicopter has been called out several times including an incident with a youngster running amok with an axe.
- Hard drugs are now an everyday sight for residents.

Cllr Steffan Ap Dafydd raised the following concerns:

- There are local concerns about how such a HMO would impact on the environment of the current residents in the area
- Local concerns on how such a development could impact on vehicle parking in the area

Environmental Health: No objections

Head of Engineering and Transport (Highways): No objections

A site Notice was displayed on site on July 22nd 2019.

Neighbours were consulted on July 19th July 2019

A further neighbour consultation was undertaken on July 31st following an amendment to the scheme.

To date a petition of 47 signatures has been received objecting to the proposed development. The petition reads as follows:

'I, the undersigned, object to having this form of occupancy in the community.'

A further 24 signed but identical letters have also been received raising concerns with regard to the proposal. The letters were primarily concerned with how the existing good community spirit will be undermined by allowing this development to be approved and the lack of thought that has been put into the application.

A separate letter has also been received from a resident in the street. Details of which will be provided later on in the Report.

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.

Evolving National Policy Context

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 wellbeing 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 is 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.

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, based on the information accessible to the Council, whilst there are 44 dwellings along the length of the street within which the application site is located, none of them are currently occupied as HMOs. The nearest recorded HMO is a single property located on Arthur Street which is the terrace to the north of Olive Street. Should planning permission be granted for this development it would result in 2.27% of the properties within this terrace being occupied as a HMO. SPGs adopted in other authorities including that within Swansea have referred to a 50m buffer zone being drawn around the application site and a requirement for consideration of the number of HMOs within that zone. In this case there are no other known HMOs within the zone.

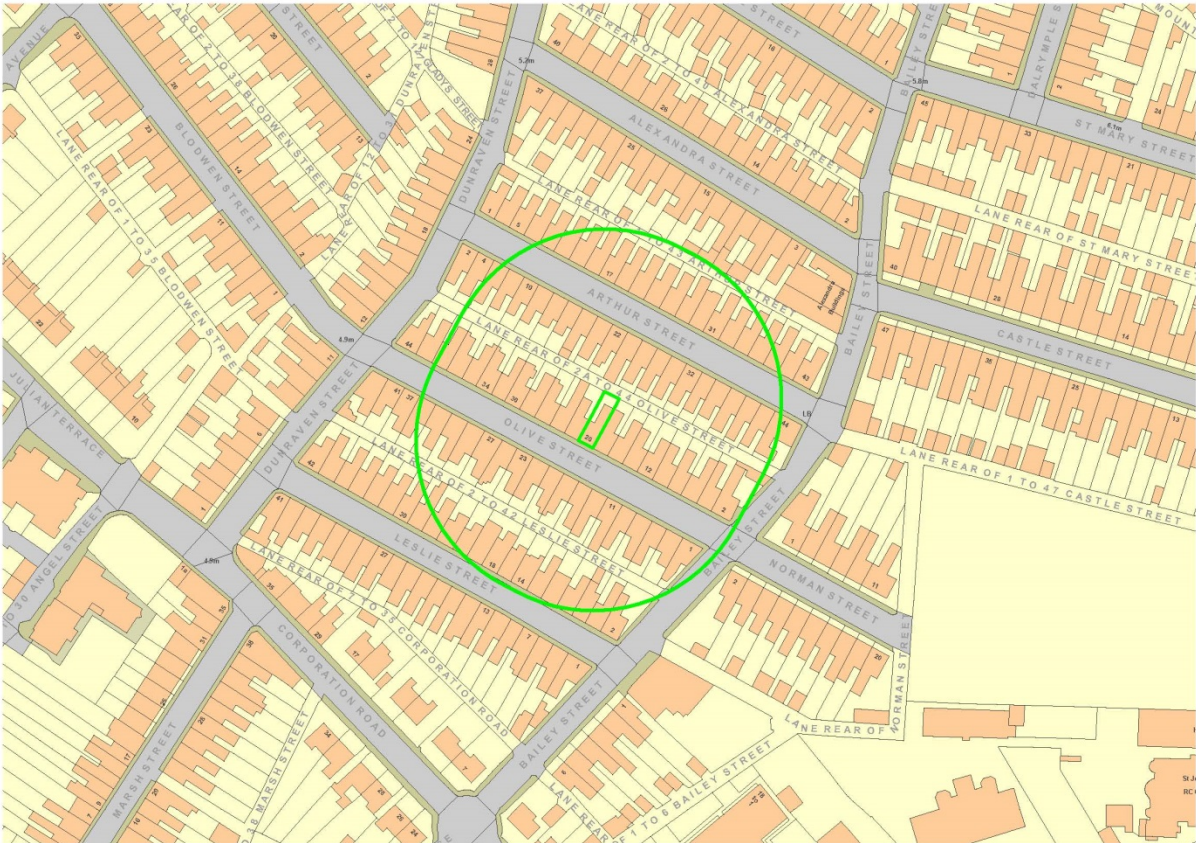


Figure 1: 50m buffer zone:

Current Situation

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 street 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.

To emphasise the extent of local concern, 27 letters of objection have been received albeit they are all identical letters with the address of the objector filled in separately together with a petition containing 47 signatures. Objections have also been submitted by two out of the three local Ward Members

As noted earlier, 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.

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.

Concerns have been raised that the proposal will result in an increase in nuisance and it is implied that this will in turn adversely affect the character of the area. In response to these concerns the records held by Environmental Health have been checked and they indicate that two noise nuisance complaints have been received since 2016, one of which related to a dog barking.

Consultations have also been undertaken with the Community Safety Team in relation to reported incidents of antisocial behaviour. They have confirmed that they have reports of noise and use of threatening behaviour on two occasions in 2012 and 2013 (neither of which were Houses of Multiple Occupation). They have therefore received no complaints or reports of incidents in the last 6 years.

Whilst it is noted that concerns have been raised by residents and the ward Member(s) regarding nuisance and antisocial behaviour, there does not appear to be any evidence to substantiate such concerns. It is not therefore considered that the proposed change of use will exacerbate impacts upon the existing community which would result in the change in the character of the area to the detriment of the existing community.

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 rooms, 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), as a matter of principle relating to the intensity and character/ nature of use.

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.

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

There are no external alterations proposed to the property, with exception to the bin store and cycle storage which are proposed within the rear curtilage. 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

The proposed development will not result in any external alternations to the property which could further impact upon the amenities of residents within neighbouring properties as a consequence of overbearance, overshadowing or overlooking over and above that currently experienced.

Whilst it is acknowledged that the use of the property will be for up to 5 persons, this number is not significantly different to that of many houses which are occupied by families. It is therefore considered that the noise and disturbance associated with the comings and goings to and from the property are unlikely to be different when compared to a family property.

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.

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 statutory nuisance powers.

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. In this respect the site is situated approximately 640m walking distance from Port Talbot Town Centre with all its facilities, the local school is approximately 482m away, the nearest bus stop being 321 metres away with the nearest cycle route located near Llewelyn Street Aberavon.

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, with both uses requiring a maximum of 3 parking spaces.

The current residential use of the dwelling does not have any off-street parking provision. The property has access to a rear lane. However the lane is gated with restricted access and as such there are no proposals to create off street parking.

Given that the parking requirements are the same for the existing and the proposed uses, it is not considered that the proposed use will increase the impact upon on street parking over and above the current position. As a consequence the Head of Engineering and Transport (Highways) has assessed the proposal and raised no highway objections to the proposal.

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 two of the ward members. In response to the main issues raised, which have not been addressed elsewhere in this report, the following comments are made:

- Young children currently play outside on the street.
- The HMO will attract the wrong type of people to the street
- The Noise Pollution will be terrible
- The parking in the street is limited and this will increase parking related issues.
- Residents would never have purchased their properties if they knew HMOs would be located here.
- Concerns expressed that only one site notice was erected.
- Can the Local Authority guarantee that the Landlord will vet potential residents?
- Residents concern about the proliferation of new unsavoury residents that are recently residing in Aberafan.
- HMO's are a money making scheme and the owner will not be putting professionals in there.
- Children and the elderly will feel threatened and intimidated in their own neighbourhood.
- The change of use will result in a drop in property values in the area.
- The ill health of an existing family will be exacerbated by allowing this development.

Many of these issues have already been addressed within this report. Of those that remain it should be noted that the planning system controls the use of the land not the type of future occupant. As a result, the planning application process cannot dictate the type of resident who will potentially occupy this property and as such associated concerns cannot be considered as part of this application. However the licensing and management of private rental properties has been the subject of additional controls following the introduction of Rent Smart Wales. Such controls are encouraging the better management of rental properties which in turn should minimise the potential for nuisance. It is positive to note that children currently play in the street and there is no reason to believe that this cannot continue. The application was advertised by means of letters to both adjoining properties and a site notice. This exceeds the statutory requirement associated with the publicity of planning applications. The impact upon 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 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.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION - Approve

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 plans and documents:

- Red Line Location Plan

- Scale 1:75 Ground Floor Proposed Layout
- Scale 1:75 First Floor Proposed Layout
- Scale 1:75 Ground Floor Existing Plan
- Scale 1:75 First Floor Proposed Layout

Reason:

In the interests of clarity.

Regulatory Conditions

- 3 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.