

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

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

<b><u>APPLICATION NO:</u> P2019/5515</b>	<b><u>DATE:</u> 25/10/2019</b>
<b>PROPOSAL:</b> Change of use from 4 Flats (C3a Use) to a 6 bed HMO (C4 Use).	
<b>LOCATION:</b> Flats A-D, 1 Crown Street, Port Talbot SA13 1BG	
<b>APPLICANT:</b> Mr Peter Bevan	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Port Talbot	

### **BACKGROUND INFORMATION**

Ward Councillor Keogh requested on November 8<sup>th</sup> 2019 that the application be reported to Planning Committee on the grounds that there is insufficient parking space as the property is situated in a heavily regulated parking area, where we have continuous complaints about the current parking arrangements.

### **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 1 Crown Street, Port Talbot which comprises a two-storey terraced property known as Flats A-D with a current use of 4 number flats (Use Class C3a).

The property is located within the Port Talbot settlement limit and is bounded on all sides by residential properties.

The property has been vacant since 2012 following enforcement action by Environmental Health officers, and its condition has deteriorated to the extent that it has been affecting adjacent property and the character of the immediate area.

## DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from four flats (Use Class C3a) to a House of Multiple Occupation (HMO) (Use Class C4).

The development proposes a change of use to a 6 bedroom HMO with minimal external alterations to the existing building. The only external changes being the creation of an access point within the existing dwarf wall to the rear of the premises and the creation of a new door to allow direct access to the rear amenity area. There are also facilities detailed for bin storage and 6 no. bike storage.

## PLANNING HISTORY

The property has no relevant planning history.

## CONSULTATIONS

**Port Talbot Ward:** Objections have been received from the Ward Councillors:

Cllr Dennis Keogh raised the following concerns:

- Insufficient parking spaces as the property is situated in a heavily regulated parking area, where there has been continuous complaints about the current parking arrangements.
- As one of the three Councillors in the ward I feel we have a duty of care to the surrounding constituents and we must be seen to be acting on their behalf.

Cllr Saifur Rahaman and Cllr Sharon Freeguard raised the following concerns:

- Noise nuisance – the use and number of persons in the property will result in more than the usual level of domestic noise at different times of the day and night to the detriment of the adjoining neighbours.
- The condition and maintenance of the property with extra waste in the garden will detract from the appearance of the street scene.
- Loss of privacy from the increased number of occupiers of the HMO.

- The property was originally built as a single family residence and then converted into four flats, is not suitable for use as an HMO.
- The conversion of greater numbers of single dwellings into HMOs is having an adverse impact upon the traditional family orientated neighbourhoods.
- The number of occupants and visitors to the HMO will result in increased traffic and parking in this quiet street. There is already a significant issue with parking in this area.
- Parking at the rear of the property and increased occupancy will have an adverse noise and disturbance impact upon the neighbours to the rear.
- Opening up the rear of the application property will result in an increased security risk to neighbouring properties.
- Currently the ward of Port Talbot (urban) is experiencing a high number of Anti-Social Behavioural Issues, particularly in and around the town centre and the adjacent streets. Evidence suggests that HMOs can have an impact on and increase Anti-Social Behaviour in the area. 'Houses in Multi Occupation: Practice Guidance (March 2017)' produced by the Welsh Government does highlight how ASB issues can be addressed and we are mindful that all agencies involved are under resourced and may not be able to deal with any further increase in ASB issues. Figures can be obtained on request to SWP.

Cllr Saifur Rahaman also wishes to speak at the Committee Meeting.

**Environmental Health:** No objections

**Head of Engineering and Transport (Highways):** No objections

### REPRESENTATIONS

A site notice was displayed on site on October 28<sup>th</sup> 2019. Neighbours were consulted on October 28<sup>th</sup> 2019.

To date 1 number representation has been received. The objections can be summarised as follows:

- There is already scarce parking spaces available in the area and it is dangerous trying to navigate the street with the way that cars

park and now there is a proposal to change the property into a HMO for at least 6 residents, who will presumably have cars.

- The property was previously split into flats which brought anti-social behaviour to the street and ultimately led to the property being left derelict, please don't let this return.
- There is an elderly resident already living in fear in street and this proposed use coupled with the lack of street lighting will only compound the fear.
- Could property not be utilised as residential use other than a HMO.

## 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*

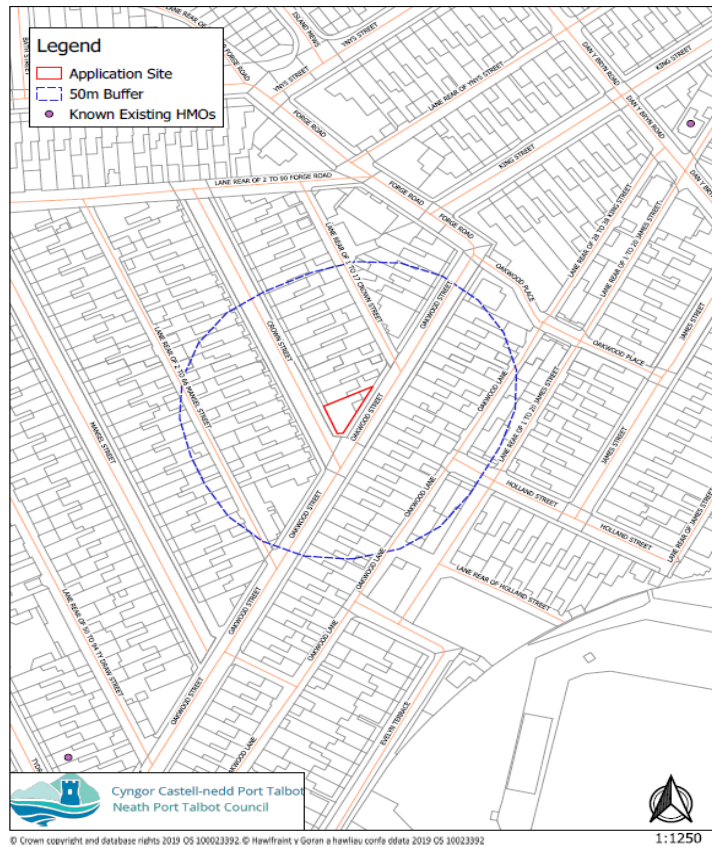
While it is again emphasised that the CCS Policy context described above is not directly relevant to this assessment, the approach itself is considered to have merit insofar as it is an evidence-based approach that provides a robust rationale for applying a 10% threshold for all areas outside their HMO 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 39 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 Tydraw Street which is the terrace to the South of Crown Street.

Moreover, Policies or SPGs adopted by other authorities including 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 such an informal '50m zone' (as shown on the plan below).



## *Layout and Capacity of Property*

It is also of note that the Council's Environmental Health team have had a long history with these premises. They have advised that under section 257 of the Housing Act 2004, a building or part of a building which has been converted into self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards, and still does not comply with them, is considered to be a House in Multiple Occupation (HMO). This power exists to ensure that where properties have been converted without Planning or Building Regulations approval, the Authority is able to protect occupiers of the flats by using the more extensive powers available for HMOs compared to self-contained dwellings.

This property was determined as a section 257 HMO in 2006, and all (Environmental Health) enforcement action undertaken under Housing Act 2004 powers since then has been on the basis that the property is a HMO. During an inspection of the premises in March 2012, a number of serious defects were found that meant that it was dangerous for the property to be occupied in that state. Consequently an Emergency Prohibition Order was served on the previous owner in March 2012 which required the immediate evacuation of the tenants. The property has remained empty since that time, and has changed ownership in the meantime whilst continuing to deteriorate.

The current state of the property has prompted local residents to complain to Environmental Health about the impact the property is having on the area and adjoining property. The property was assessed by an Empty Property Officer who subsequently contacted the owner and signposted them to support to assist him bring this property back into residential use.

Although the Housing Act and Planning definitions of a HMO are closely aligned, this case highlights a divergence insofar as its current authorised use under the Housing Act is already a HMO. Rather than being a change of use to a HMO, Environmental Health therefore consider this to be a slight change to a well-established HMO use, and therefore have offered no objections to this application.

Environmental Health do however ask Members to note this application is the first stage in the process of bringing a long term, problematic empty property back into beneficial residential use, and subsequently see this application as a step in the right direction as far as regenerating and reinvigorating the site.

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.

In this respect, while it is noted that there is often concern in the local community about the potential impact of HMOs on local character and social cohesion, there is no known HMO issue in this area, such that even in the absence of a specific HMO Policy within the LDP, there are no grounds to refuse this application relating to the impact on local character or community cohesion.

#### Impact on Visual Amenity

There are no external alterations proposed to the property, with exception of an access point of an existing dwarf wall and the creation of a new door to allow direct access to the rear amenity area including new bike and bin storage. 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 over and above that currently experienced.

Whilst it is acknowledged that the use of the property will be for up to 6 persons, and concern has been expressed about the intensity of such use, this number is not significantly different to that of many houses which are occupied by families, or those within the four flats that are authorised in this property. It is therefore considered that the noise and disturbance associated with the comings and goings to and from the property are unlikely to be materially different when compared to the existing use or a large family property.

Accordingly, it is considered that the proposed six-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.

It is noted that the three local Ward Members have raised local concerns about the proposal on the grounds that there is insufficient parking space, noting that the property is situated in a heavily regulated parking area, where they have continuous complaints about the current parking arrangements.

The property is located in an area of terraced properties where it is recognised that parking can often be at a premium. The streets have a mix of residents parking bays, restrictions and unrestricted bays. The existing building does not have any off street parking provision and there is no possibility to provide any additional spaces.

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 a C3 dwellinghouse use, such that the change of use to a 6 Bed HMO would only require a maximum of 3 spaces. The NPT Parking Standards however detail the existing use as 4 flats would need 4 resident parking spaces. Therefore the proposed use is actually a betterment of what it is in situ.

It is also noted that the proposed plans includes a secure cycle storage area for up to 6 bikes, while the local area surrounding the development is very flat which aids the use of bikes or walking to local amenities and public transport. Transportation links such as Port Talbot railway Station is a 7 minute (0.3miles) walk from the site. The Bus Station serves many destinations such as Swansea, Neath and Bridgend at regular intervals and is also only a 7 minute walk from the site.

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, while it is recognised that there are local concerns about the availability of parking in the immediate area, it is concluded that the development would represent an acceptable form of development in a sustainable location, and there are no grounds to substantiate a refusal on parking grounds, such that the proposal would have no unacceptable impact on either highway or pedestrian safety.

### Others

A single letter of objection has been received which raised a number of issues. The majority of these issues have been addressed earlier in the report. With regard to those that have not, the Planning Department would respond as follows:

- The letter enquired as to whether the application could not be better served as an alternative residential use. This suggestion is duly noted, the application however was assessed on its individual merits as per the applicants submission.
- With regard to anti-social behaviour, the local concerns are noted, however the proposal must be assessed on land use planning grounds, and in this context there is not considered that there is any reason or evidence to suggest that the introduction of the

HMO would introduce any such behaviour over and above that associated with the existing current lawful use as 4 number flats.

## 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

That planning permission be GRANTED subject to conditions

## 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 1 Crown Street
- Proposed Floor Plan 1703 1-2
- Proposed Site Plans 1703 4-2
- Proposed Elevations 1703 2-2
- Travel Plan for Proposed HMO

Reason:

In the interests of clarity.

## Pre-commencement conditions

3 No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- iv. measures to control the emission of dust and dirt during construction

Reason

In the interest of highway safety

## Action Conditions

3 Prior to first beneficial occupation of the development hereby approved, the new access door in the rear elevation and bike store in the rear yard area shall be provided in accordance with the approved Elevations plan 1703 2-2, floor plans 1703 1-2 and site plan 1703 4-2. The rear access door and bike store shall thereafter be retained as approved and available for as such on site.

Reason

In the interest of residential amenity, and to ensure all residents have direct access to the rear yard area for amenity purposes.

Regulatory Conditions

- 4 No more than 6 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.