

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2019/5606	<u>DATE:</u> 25/11/2019
PROPOSAL:	Change of use from C3 Dwelling to C4 House in Multiple Occupation
LOCATION:	1A Bevan Street, Aberavon, SA12 6ND
APPLICANT:	Mr Alex Godding
TYPE:	Full Plans
WARD:	Aberavon

BACKGROUND INFORMATION

Ward Councillor Steffan Ap Dafydd requested on December 20th 2019 that the application be reported to Planning Committee on the grounds that the proposal will change the character and environment of the surrounding area, implicitly the vulnerable local residents. There are also concerns relating to the accountability of a distant landlord.

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 1A Bevan Street, Aberavon which comprises an end of terrace two-storey property

The property is located within the Port Talbot settlement limit and is in a terraced street of residential properties. There is a Public House on the opposite corner facing the property.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from residential (Use Class C3a) to a 3 bedroom House of Multiple Occupation (HMO) (Use Class C4). The plans also indicate provision of bin and bicycle storage.

PLANNING HISTORY

The property has no relevant planning history.

CONSULTATIONS

Port Talbot Ward: Objections have been received from one of the Ward Councillors, Cllr Steffan App Dafydd, who has expressed concern relating to the change in character and the environment of the surrounding area with the impact on people living there; and implicitly relates to a potential impact on vulnerable locally resident people and the accountability of the landlord.

Environmental Health: No objections

Head of Engineering and Transport (Highways): No objections

REPRESENTATIONS

A site notice was displayed on 26th November 26th 2019. Neighbours were consulted on November 25th 2019.

To date 1 number representation has been received from the Aberavon Liberal Club expressing concern that there are no parking facilities in the area, and being a small terraced house placed on a zebra road crossing, used by many people, including children that use it to get to school on a daily basis, any inappropriately parked vehicles would cause a great deal of difficulty to the local residents.

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

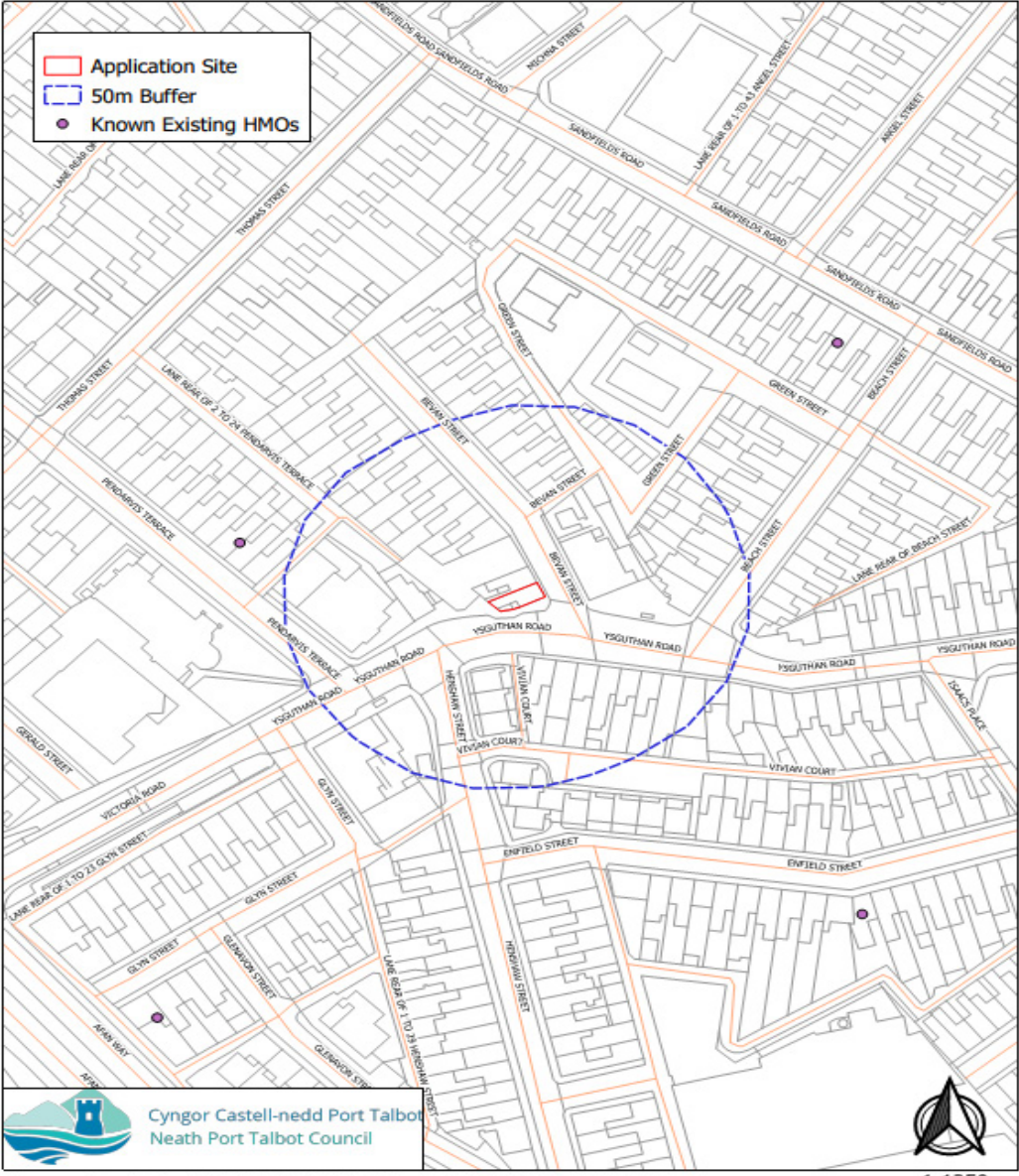
While it is again emphasised that the CCS Policy context described above is not directly relevant to this assessment, the approach itself is considered to have merit insofar as it is an evidence-based approach that provides a robust rationale for applying a 10% threshold for all areas outside their HMO 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 28 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 Pendarvis

Terrace which is the terrace to the West of Bevan 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 the zone (as shown on the plan below).



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. 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.

Having regard to the size of the property (three bedrooms with a small kitchen and single reception room), the use of the property will be for up to 3 persons, a number which is not significantly different to that of many houses which are occupied by families (probably less). 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 the existing use or a family property.

Accordingly, it is considered that the proposed three-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.

The existing building does not have any off street parking provision given the terraced nature, and it is noted that the Liberal Club have raised local concerns about the proposal on the grounds that there is insufficient parking space.

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.

Based on the approved standards the existing 2-bedroom house would require 2 parking spaces (though no off-street provision is possible). The proposed change of use to a 3 Bed HMO would require 3 spaces. Purely in terms of the 'standards' therefore, the proposal would increase the number of spaces required. The reality of the matter however is, that the current use does not offer any off-street spaces at all, and the property could be occupied by more than the three persons proposed under this application (and which would be controlled by condition) with potentially similar or greater local impacts.

It is also of note that Bevan Street is a no through road, with on street space for approximately 32 cars on street (26 dwellings + Club), including some *residents only* spaces. Moreover, the property is located adjacent to a main road and to a bus stop, making it a highly sustainable location, and proposes provision of cycle parking facilities for the residents. In this respect, it is also considered that the street has a reasonable number of spaces available, and that even were this change of use to increase the number of vehicles locally (by one), it would be difficult to argue that the change of use would have an unacceptable impact on the safe and free flow of traffic or on highway safety. Nevertheless as referred to above it is considered that the use of the property should be restricted to 3 persons (one per bedroom) to control against any unacceptable intensification.

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.

Layout of Property

The Environmental Health officer has raised potential issues with the layout of the proposed HMO insofar as the proposed kitchen and bathroom/WC provision is only considered sufficient for a maximum of 4 persons. As referred to above, however, the maximum number of persons is to be restricted to 3 (one per bedroom) on parking / highway / grounds.

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 – Approve subject to 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:

- Proposed First Floor Plan 1:100
- Existing First Floor 1:100
- Existing Ground Floor 1:100
- Proposed Ground Floor 1:100
- Site Plan 1:500
- Red Line Location Plan 1:100

Reason:

In the interests of clarity.

Action Conditions

- 3 Prior to occupation, Bin storage and Bike storage facilities for up to 3 number people shall be provided for as detailed on the approved site plan and retained as such at all time.

Reason

In the interest of residential amenity and highway and pedestrian safety, and to accord with Policy BE1 of the Local Development Plan.

Regulatory Conditions

- 4 No more than 3 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 and highway safety, and to accord with Policy BE1 of the Local Development Plan.