

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO: P2020/1041</u>	
PROPOSAL:	Change of use from Convenience Store (Use Class A1) and associated 4-Bed Flat (Use Class C3) into 8-Bed HMO (Sui Generis Use Class), including installation of new windows
LOCATION:	45 Victoria Road, Sandfields, SA12 6QG
APPLICANT:	Mr James Stevens
TYPE:	Full
WARD:	Sandfields East

BACKGROUND INFORMATION

This application was requested by Cllrs Latham and Crowley on 26/01/2021 to be determined at Planning Committee due to concerns with parking and the impact on residential amenity.

The 'call-in' Panel agreed on 27/01/2021 that the application should be determined at Planning Committee.

SITE AND CONTEXT

The application site is located at 45 Victoria Road, Sandfields, Port Talbot and comprises a two-storey end-of-terrace property currently used as a retail premises (Use Class A1) on the ground-floor with large four bedroom first-floor flat above (with kitchen/dining at rear of ground floor).

The plot measures approximately 0.018 hectares in area and is bounded by a rear access lane to the north, residential dwelling to the east, Victoria Road to the south, and Hospital Road to the west.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from Convenience Store (Use Class A1) and associated 4-Bed Flat (Use Class C3) into an 8-Bed large HMO (Sui Generis Use¹). In addition, alterations are proposed to the windows, front elevation and creation of a front forecourt with boundary wall.

¹ Use Class C4 are 'small' HMOs for between 3 and 6 unrelated individuals who share basic amenities. Large houses in multiple occupation (those with more than six people sharing) are unclassified by the Use Classes Order and in planning terms are therefore considered to be 'sui generis' (of their own kind).

The proposed development will involve the change of use of the existing ground-floor shop into 4-bedrooms (all en-suite) with a snug/lounge area and kitchen. The rear garage/store is proposed to be used for bin and cycle storage. On the first-floor a further 4-bedrooms are proposed (all en-suite).

Externally, the existing entrance door to the shop is proposed to be changed into a window, the ATM removed and the window re-instated, plus the walls rendered. Additional windows are also proposed on the ground-floor side and rear elevations. Furthermore, a new side-facing window is proposed on the first-floor serving the 'middle' bedroom.

To the front of the property it is proposed to create a front forecourt by constructing a 1.6m high wall with railings and side access gate.

It should be noted that the Case Officer has not visited the internal yard of the site due to COVID-19 restrictions. However, he has viewed the site from the surrounding street, together with an examination of Google Street-view and aerial images. The agent has also provided photographs. It is considered that these are sufficient for a detailed assessment to be made of the impacts of the development.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS

Amended plans were requested from the Agent in respect of the internal layout in order to satisfy Environmental Health requirements, including the removal of 1 no. bedroom. Further amended plans were also requested from the developer in respect of the rendering of the front elevation and creation of a front forecourt.

PLANNING HISTORY

The application site has the following relevant planning history: -

- **T1983/4527** Renew Mains Extension to Existing Shop. Approved 15/02/84.
- **P2003/0016** Boundary wall to be built up and roof covered with single-door to secure rear of premises. Approved 12/02/03.
- **P2013/0761** Internally-illuminated ATM collar advertisement. Approved 26/09/13.
- **P2013/0778** External alteration comprising of enlarged window to facilitate ATM and security panel. Approved 26/09/13.

CONSULTATIONS

Head of Engineering & Transport (Highways): No objection, subject to a condition.

Contaminated Land Section: No objection.

Environmental Health Section: No objection, subject to conditions.

Welsh Water: No objection.

REPRESENTATIONS

The neighbouring properties were consulted on 04/12/2020 and 19/01/2021, with a site notice also displayed on 03/12/2020 and 19/01/2021.

In response, to date, 86 no. representations (including a petition of 404+ signatures) have been received, together with 1 letter of support. The objections are summarised as follows:

- Concerns regarding parking provision, the lack of on-street parking availability and indiscriminate parking – particularly on a busy traffic-light controlled junction.
- Concerns regarding the future occupiers of the property.
- Concerns that the proposal is out-of-keeping with the current residential character of the area.
- Concerns regarding the size of the en-suite facilities and hand-washing, the size of the communal kitchen and snug facilities for 8+ people.
- Concerns regarding 8 people to be contained within a 'bubble' under the current pandemic.
- Concerns that the proposal will decrease property values.
- Concerns regarding the vacant shop opposite, which could also turn into an HMO if this is approved.
- Concerns regarding bin storage, which could potentially obstruct the footway and/or lane.
- Concerns regarding anti-social behaviour from HMOs, such as litter from needles and cans.
- Concerns regarding the safety of children.
- Concerns regarding loud music.
- Will there be a reduction in Council Tax if this is approved, due to decrease in property values and having to clean up rubbish and mess?
- The site should be converted into a small parking lot due to the lack of parking in the area.
- Concerns regarding the location of the site opposite a pharmacy, near a school (Tywyn) and playground (Vivian Park) is not a good idea.
- Concerns that the last tenant did not give up the shop voluntarily, so there is no excuse that it had to close because of lack of trade.
- The submitted information states that the nearby Nisa store has a Post Office and ATM. However, this out of date and they are no longer present.

- Controls needs to be put in place, such as making the rooms available to people of 50 years or older, like the Coastal Flats nearby, which do not have any anti-social problems.
- Is there a NPT Council planning policy on the number of HMO allowed in a specific area? If not why?
- Concerns that there are very few commercial food/convenience outlets in the area for people who don't drive etc., so losing the commercial license on this building is a mistake.
- Do the developers have any qualifications that will help the tenants as many living in HMO accommodation have complex needs and need to be helped, monitored and looked after?
- Concerns regarding disabled access to the property due to the short pavements and shape of the building.
- Potential increase in crime in the area with many residents already needing to erect CCTV cameras.
- Potential loss of light and air for local residents.
- Concerns regarding parking provision, as the development on The Grove PH needed to have a minimum of two parking spaces for each flat. There appears to be one rule for one, and a different rule for another.
- HMOs are generally poorly managed and maintained, and will attract numerous problems.
- A consultation with local residents are needed.
- There are existing problems with the current HMO in the area and an additional one will exacerbate these.

The on-line petition of 400+ signatures states:

“There is a planning application to build an 8 bed HMO in Victoria Road, the residents of Victoria Road are in opposition to this as a HMO in a residential street will have an effect on the value of our properties, it will also cause more car parking issues than there already is, as well as the issue of not knowing the people they plan to house in there. We are concerned that there may be people such as those being released from prison with drug/alcohol issues which we do not want living next to our children. Noise pollution and lack of privacy is also a concern for the houses in close proximity”.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk

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:

Strategic Policies:

- **Policy SP7** **Housing Requirement**
- **Policy SP12** **Retail**
- **Policy SP20** **Transport Network**

Topic Based Policies:

- **Policy SC1** **Settlement limits**
- **Policy SC2** **Protection of Existing Community Facilities**
- **Policy TR2** **Design and Access of New Development**
- **Policy BE1** **Design**

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of the development at this location, 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.

It should be noted that large houses in multiple occupation (those with more than six people sharing such as is proposed under this application) remain unclassified by the Use Classes Order and in planning terms are therefore considered to be 'sui generis'.

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

The Welsh Government 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 person’s 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 *Sui Generis* Large 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 HMO uses, as well as other amenity / highway issues. It is also notable that the existing residential accommodation is a large 4-bedroom flat split over two floors.

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 22 properties within this terraced block within which the application site is located, none of them are currently occupied as HMOs. It should be noted that 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 is 1 known HMO within the zone, which is on the opposite site of Hospital Road (Number 47 Victoria Road).

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 issues 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.

Loss of Retail Use

In respect of Policy SC2 (Protection of Existing Community Facilities), it should be noted that the existing retail use would be considered a 'Community Facility' and as such, would be protected under the requirement of this Policy which states:

“Any proposals which would result in the loss of an important existing community facility will only be permitted where it can be demonstrated that:

- 1. The facility is surplus to requirements; or*
- 2. The existing use is no longer viable”.*

In support of the application the developer has submitted a detailed assessment which states that *“both [points] are applicable to the property because of the emergence of a newer convenience store (Nisa Local) which comes with it the same facilities (Post Office and ATM), albeit within a larger floor area”*. In light of this, and following a site visit, it is noted that there is a replacement facility (convenience shop) at the other end of this block of terraced properties, as well as a pharmacy opposite. It is also noted that the property is not located in any designated retail local centre.

Some representations have referred to the Post Office no longer operating in the nearby NISA (where it moved to, having previously been located at the application premises), and in this regard Members' are advised that the [Post Office website](#) states that the recent closure in January 2021 is a 'temporary closure' (albeit the letter states that this is following the withdrawal of the premises for Post Office use). Nevertheless, it is emphasised that the Post Office is not in the current premises, and no objection could be raised to the loss of the retail use on such grounds, with such matters thus not considered to affect the conclusions above.

Accordingly, it is considered that the change of use of this property would not amount to the loss of an 'important facility' in the area and as such, the proposal would comply with the requirements of Policy SC2.

Impact on Visual Amenity

It is noted that the external alterations to the property relate to the installation of additional windows to the side/rear elevations, plus the removal of the ATM and former shop entrance and replacement with windows to the front elevation, plus rendering to match the existing side-elevation. The existing fascia sign and

roller-shutters would also be removed from the property to ensure it would have a residential, rather than commercial, appearance.

In addition to the above, it should be noted that amended plans were submitted by the agent in respect of the front forecourt. It is proposed to create a new front forecourt by construction a 1.6m high brick wall with railings to match the existing dwellings along this side of Victoria Road, again, to ensure that the property has a residential appearance.

Provided that suitably worded conditions are imposed on the application in respect of the front elevation changes – which would also require such changes to be made prior to first beneficial use – it is therefore considered that the overall proposal would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene, and would therefore comply with Policies BE1 of the LDP.

Impact on Residential Amenity

In respect of potential overlooking, it is noted that the only additional (new) windows would serve the ground-floor rear bedroom, the ground-floor 'middle' bedroom and the first-floor 'middle' bedroom. Fenestration changes at the front relate to infilling of the existing door and insertion of window in the existing ATM opening.

As the windows to the front would overlook the street, it is considered that these would not create any unacceptable overlooking issues. It is also considered that the creation of the new forecourt would provide a degree of privacy for the new occupiers as it would prevent people walking directly past the front windows. In respect of the window to the ground floor rear elevation as it would overlook the existing yard area, it is considered that this would not create any unacceptable overlooking issues.

In respect of the new side-facing windows at ground and first floor, it is noted that they have the potential to overlook into the neighbouring properties. However, these windows would overlook the blank-side wall of the existing two-storey rear wing and/or single-storey extension to the rear of Number 43. As such, it is considered that these new windows would not create any unacceptable overlooking issues, which at worst would allow some oblique/partial views into the neighbouring property.

Turning to potential noise and disturbance, whilst it is acknowledged that the use of the property will be for an 8-bedroom HMO, the Environmental Health Section has assessed the submitted scheme and notes that it has been amended to improve the occupier facilities and the traffic routes through the building. They advise that the property is a large building that contains an 8 bedroom, 8 bathroom HMO, together with a large kitchen/dining room and a separate lounge, which far exceeds the requirements of the NPTCBC Space and Amenity Standards for HMOs. They have advised that the proposed bedrooms are so spacious in fact that this HMO could *potentially* be occupied by up to 24 people and still comply with the NPTCBC Space and Amenity Standards for HMOs. However, the standards for kitchen space provision would

prevent the property from being occupied to this level. With this in mind, they therefore offer no objection to the proposal, subject to a condition limiting the number of occupants to a maximum of 10 persons. This number of occupants is based on the large bedrooms to the front and rear of the first floor being occupied by 2 persons each, with all other rooms being occupied by 1 person each.

Having regard to the advice from the Environmental Health officer, it is also considered that the proposed intensity of use would need to be controlled to ensure that there would be no unacceptable impacts on the area and nearby residents. The existing use of the property, however, is a mixed use of retail and large living accommodation above, and therefore the degree of activity in the property (notably at ground floor) is currently quite high.

The proposed layout would introduce two bedrooms on each floor next to the adjoining 'party' wall, but in light of the existing retail use and the existing bedrooms at first floor in these locations, it is considered that there would be unlikely to be any additional or unacceptable impact on the adjoining property.

Provided that the requested condition limiting to a maximum of ten occupants is imposed on the application, 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 of that of a large family property. Accordingly, it is considered that the proposed 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

It is noted that the existing property is located on the corner of Victoria Road and Hospital Road, with a mix of both residential and commercial properties - the majority of properties being residential. Both roads are governed by Traffic Regulation Orders to an extent, with other areas of unrestricted on-street parking available at both locations. The existing property comprises a ground-floor retail unit (approximately 98m² of floor space) with 4-bedroom flat above for which the existing car parking requirements (as quoted within the Parking Standards SPG for Zone 3) would require 1 commercial space, plus 2 non-operational spaces for the retail element (1 space per 60m²), and 1 space per bedroom for the flat (which would be a maximum of 3 spaces). The total requirement for the existing use would therefore be potentially **6 spaces**.

Notwithstanding this, it is noted that there is *potentially* only 1 parking space on site within the existing store/garage at the rear, although this has restricted access off the rear lane. So without applying any reduction based on

sustainability criteria (as per Appendix F of the approved [Parking Standards SPG](#)) there is an **existing deficiency of 5 spaces**.

In respect of the proposed use, it is noted that as a 'residential use' this would require 1 space per bedroom (up to a maximum of 3). The total for the proposed use would therefore be **3 spaces**. However, as the existing store/garage will be used for cycle and bin storage no parking would be provided on site. Although the property is in a sustainable location, given the number of bedrooms it is not considered appropriate to reduce the required parking levels further using Appendix F. Accordingly, there would be a **deficiency of 3 spaces** (i.e. a betterment compared to the existing mixed use).

The Head of Engineering and Transport (Highways Section) has assessed the proposal and offers no objection to the development. This is on the basis that there is no current HMO classification within the approved Supplementary Planning Guidance: Parking Standards (October 2016). The application submission has been therefore assessed against the closest Use Class of C3 (Residential). This would require a maximum provision of 3 parking spaces for the proposed change of use. As such, they have no alternative than to offer no highway objection, as the existing use of the site offers no 'useable' off-street parking provision, and would require significantly more parking than the proposed use. They have also noted that *"the applicant has sufficiently demonstrated by submitting in writing their intention to vet their proposed tenants with regards to car ownership, which we as the highway authority are happy to accept"*.

Given the above, and the extent of local concerns on parking grounds, it is further emphasised that: -

- Even were the proposed use split into two flats of 4 bedrooms each – with a parking requirement of $2 \times 3 = 6$ spaces - it would still not be possible or reasonable to refuse planning permission on parking grounds given the fact that there would be no additional detriment or deficiency compared to the existing authorised use of the premises.
- Even considering these to be bedsits (the key difference between an HMO and a bedsit is that the term 'HMO' refers to the whole building, whereas 'bedsit' refers to a single self-contained unit (i.e. studio-flat) within a building), it would not be reasonable to refuse. This is because the parking requirement for 8 bedsits would be 1 x parking space per unit, along with a visitor parking provision of 1 x space per 5 units, which would add 1 space to the required 8 spaces giving a total of 9 parking spaces required. However, as the site is located within a highly sustainable area the sustainability tool would be applied to the proposal, with the site accruing 7 points which equates to the reduction of 1 space per unit, which would effectively remove any parking provision requirement, and refusal could not be substantiated when the existing residential element of the use has no existing/useable off-street car parking.

Turning to the proposed front forecourt boundary, it should be noted that the Head of Engineering and Transport (Highways Section) has also confirmed no objection to this element, subject to the gate opening inwards. It is noted that there is existing street-furniture on the footway outside the application site, including a redundant pole, nevertheless the Authority's Highway Surveyor has confirmed that the pole will be removed shortly, as it is no longer required on site. Provided this pole is removed, it is therefore considered that the remaining footway would be sufficient for pedestrians – albeit smaller than existing.

To summarise, given the existing use and the lack of parking provision on site, together with the sustainable location of the site (with potential also that the applicant can control car use by their tenants), it is considered that the overall proposal would be acceptable in terms of highway and pedestrian safety, and refusal of the application on highway/parking grounds could not be substantiated at appeal stage.

Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit offers no objection to the proposal, it is considered that existing and future users of the site would not be adversely affected by ground contamination in terms of exposure to pollution.

Other Matters

As identified earlier in this report, a number of objections were received in response following the publicity exercise. In response to the main issues raised, which have not been addressed elsewhere in this report, the following comments are made:

- In respect of the concerns regarding the future occupiers of the property it should be noted that this is not a material planning consideration, so cannot be taken into account when determining this application.
- With regards to the comments relating to the size of the 'bubble' this proposal would create under the current pandemic, it should be noted that this would not be grounds for refusal in planning terms and could not be substantiated at appeal. It should be noted that all residents would need to comply with the necessary Government guidance and rules surrounding the COVID-19 pandemic.
- Turning to the comments that the proposal will decrease property values, it should be noted that this is not a material planning consideration, so cannot be taken into account when determining this application.
- In respect of the concerns regarding the vacant shop opposite, which could also turn into an HMO if this is approved, it should be noted that there is no 'precedent' under Planning and each application is considered on its individual merits at the time of the application. Therefore, should this application be approved, it does not set a precedent for the property opposite.

- In relation to the comments concerning bin-storage, it should be noted that internal bin storage is indicated on the plans, and it would be for the landlord/developer to agree the most appropriate bin storage details and provision with the Waste/Refuse Section of the Authority (i.e. 1 large communal bin or separate smaller bins). It should also be noted that if there are any issues with waste storage or distribution then the Waste Enforcement Section and/or Environmental Health Section have powers to enforce against the landlord as the responsibility lies with them.
- With regards to the concerns regarding anti-social behaviour from HMOs, such as litter from needles and cans it should be noted that this is not a material planning consideration and would be a Police matter.
- Turning to the concerns regarding the safety of children these are noted. However, this would not be a planning or justifiable reason to refuse the application.
- In respect of the concerns regarding the potential for loud music this is not a planning matter, and would be for Environmental Health to investigate under their noise nuisance legislation.
- With regards to the comments that Council Tax should be reduced if this is approved, it should be noted that this is not a material planning consideration and is something that would need to be taken up with the Council Tax Section.
- In relation to the comment that this site should be turned into a car parking area, it should be noted that the Local Planning Authority needs to determine the application as submitted. In any case, the area may not be suitable for car parking given the proximity to the junction.
- With regards to the comments regarding the location of the site opposite a pharmacy, near a school (Tywyn) and playground (Vivian Park) it should be noted that these would not be a justifiable reason to refuse the application.
- Turning to the comments that controls need to be put in place to control the occupiers to prevent anti-social problems, it should be noted that there is no justifiable planning reason for this, and it would be down to the discretion of the landlord/owner.
- In respect of the query whether the developers have any qualifications that will help the tenants it should be noted that this is not a material planning consideration.
- With regards to the comments regarding disabled access, it should be noted that this is not a material planning consideration and would be covered under Building Regulations. Nevertheless, it is noted that en-suite bedrooms are proposed (together kitchen and lounge areas) on the ground-floor and ramped access could potentially be provided via the rear.
- In respect of the concerns that this proposal could increase crime in the area it should be noted that this is not a material planning consideration and would be a Police matter.
- In relation to the comments that the proposal would result in the loss of light and air for tenants it should be noted that these are not material planning considerations in their own right, but the impact upon residential amenity is, and is fully detailed above.
- Turning to the comments regarding that HMOs are generally poorly managed and maintained, and will attract numerous problems, it should be noted that this would not be a reason for refusal of this application. It should

be noted that the management of HMOs is monitored and controlled by the Environmental Health Section.

- With regards to the comment that a public consultation with local residents is required, it should be noted that the neighbouring property (attached) has been consulted by letter and site notices erected. To date, 87 letters have been submitted concerning the application.
- In respect of the comments that there are existing problems with the current HMO in the area and an additional one will exacerbate these, it should be noted that this would not be a reason for refusal of the application. It should also be noted that
- Finally, in respect of the comments that the existing shop did not close due to lack of trade, and that the Post Office and ATM have been removed from the nearby Nisa shop, it should be noted that the loss of the community facility has been addressed in the report above.

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 loss of the existing retail premises is acceptable, and that the proposed development would not have an unacceptable impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, SC2, 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 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:
Dwg. No. U.2/0 Rev 00.
Dwg. No. U.2/01 Rev 00.
Dwg. No. U.2/02.
Dwg. No. U.2/03 Rev 00.
Dwg. No. U.2/04 Rev 00.
Dwg. No. U.2/05 Rev 00.
Dwg. No. U.2/06 Rev 00.

Reason:
In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to the first beneficial use of the House of Multiple Occupation (HMO) hereby approved, the ATM, roller-shutters, fascia sign and entrance door shall be removed from the site and made good, and the front elevation rendered to match the existing building and the front forecourt constructed as per Dwg. No. U.2/03 Rev 00, and retained as such thereafter.

Reason:
In the interest of visual amenity of the street-scene and to ensure that the property has a domestic (not commercial) appearance, and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 4 Prior to the first beneficial use of the House of Multiple Occupation (HMO) hereby approved a 2m high close-boarded fence or wall shall be provided along the common-boundary with Number 43 Victoria Road in the rear yard area, and retained as such thereafter.

Reason:
In the interest of residential amenity due to side-facing windows, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 5 The House of Multiple Occupation (HMO) hereby approved shall be restricted to a maximum occupancy of 10 people at any time.

Reason:
In the interest of residential amenity and highway safety, and to comply with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 6 The gate hereby approved to the front forecourt shall be of a type which open inward only and not over the footway, and shall be retained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.