

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval.

<u>APPLICATION NO:</u> P2023/0461	<u>DATE:</u> 19th June 2023
PROPOSAL: Change of Use from Residential (C3) to House of Multiple Occupancy (C4).	
LOCATION:	65, Cwrt Sart, Britton Ferry, SA11 2SR
APPLICANT:	Mr Paul Bosomorth
TYPE:	FULL
WARD:	Britton Ferry

BACKGROUND

This application is reported to Planning Committee as Cllr Chris James requested on 30/08/2023 that this application be determined at Planning Committee due to the issues around parking and highway safety raised by local residents.

SITE AND CONTEXT

The application site is 65 Cwrt Sart, Britton Ferry which comprises of a three bedroom, two storey terrace property, with a single storey lean to located at the rear of the property.

The property has a rear garden which is split level, with no off-street parking.

The application site is located within settlement limits, and is part of a row of terrace properties with an access lane to the rear and residential properties to the west, along Short Street. The application property is located along the Britton Ferry Active Travel route along the A474 and is 30m from the closest bus stop.

DESCRIPTION OF DEVELOPMENT

The application proposes a change of use of the dwelling (Use Class C3) to a 6 no person/bed House of Multiple Occupancy (Use Class C4)

The proposal would incorporate 2no bedrooms at ground floor, with a kitchen, dining area and bathroom and 4no bedrooms at first floor with 2no bathrooms.

No external alterations are proposed to the property itself, with works required internally to facilitate the conversion (including the creation of bathrooms and alterations to walls). The application also includes the removal of the rear boundary wall and the creation of 1no parking space (accessed off the rear lane). The existing lean to at the rear of the site would be utilised for bin storage and cycle parking.

NEGOTIATIONS

Following highway comments and Environmental Health comments a parking space was added to the rear of the site and internal alterations to the proposal undertaken.

PLANNING HISTORY

The application site has no relevant planning history.

CONSULTATIONS

Ward members were notified.

Community Council– concerns of highway safety implications regarding parking. The applicant states parking is not relevant, the Town Council is of the view that it is relevant especially in respect of the A474 and the congestion caused in the adjacent side streets.

Head of Engineering and Transport, Highway Section-- No objection subject to condition.

Environmental Health (Housing)– An additional bathroom / WC required for the proposal or a reduction of one bedroom. Following the submission of amended plans an additional WC has been included at ground floor and a no objection response has been received.

Environmental Health (Noise) were consulted – request for condition relating to demolition and construction hours.

NRW– No Comments.

REPRESENTATIONS

The neighbouring properties were consulted on 14/07/23 and 23/06/23 and a site notice was also displayed on 17/07/23 and 22/06/23.

In response, to date 15no. representations by 7no. contributors have been received, with the issues raised summarised as follows: -

- Concerns with loss over privacy and overlooking from application site
- Safety concerns with parking streets away and having to walk home in the dark.
- CCTV fitted outside property to monitor vehicles, would be redundant if unable to park outside property.
- Impact on unloading shopping and getting young children into house.
- Cause tension with 6 extra cars.
- No resident parking at present.
- Traffic generation in the area
- Concerns with parking capacity on street.
- Concerns with noise and disturbance with increased comings and goings with 6 individuals.
- Concerns with effect on street and area, currently a safe family orientated area.

- Change of residential use does not fit into the area, will cause a shift in feeling and worry too many families and be a detriment to the local children.
- Concerns with increase in antisocial behaviour.
- Concerns with personal circumstances if approved it is being insisted to move from area.
- Planning application at no.81 was blocked and Treetops BandB.
- Concerns with value of houses.
- Concerns with affordable housing and occupancy turnover.
- Living in fear of children's safety.
- Owner doesn't live in the area.
- Cycle shed at rear a good idea however busy main road, with safety concerns and no dedicated cycle path.
- Local bus routes reduced further exacerbates local transport issues.
- Letters from South Wales Police warning against parking on pavements and junctions.
- Main school route
- Been a number of HMO applications challenged by residents
- Car port to be built to back of house
- Car cannot fit into the lane with space between garden and neighbours house less than 3m.
- Proposed parking space would be virtually unusable due to difficulty in accessing and exiting.
- Will lead to breakdown in social and community cohesion.
- Swansea University is closest higher education where ample accommodation is provided.
- Already significant problem with crime for small area with 35 incidents in year up to May 2023.
- While it might meet guidelines, with 6 occupants, it will feel cramped and restrictive.
- Moved from previous area of HMOs.
- Obligated to recycle and lane behind houses have constant fly tipping issues and proposal is likely to increase problem leading to rats, insects and infestation.

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:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation

and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 8 – Flooding

Welsh National Marine Plan

https://gov.wales/sites/default/files/publications/2019-11/welsh-national-marine-plan-document_0.pdf

This Plan extends up to the level of mean high water spring tides and the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide. In comparison, land-use planning boundaries generally extend to mean low water spring tides. This Plan therefore overlaps physically with terrestrial plans, helping to facilitate integration between land and sea planning and management.

Vision and objectives

The vision for the Welsh inshore and offshore marine plan regions is: Welsh seas are clean, healthy, safe, productive and biologically diverse:

- Through an ecosystem approach, natural resources are sustainably managed and our seas are healthy and resilient, supporting a sustainable and thriving economy;
- Through access to, understanding of and enjoyment of the marine environment and maritime cultural heritage, health and well-being are improving;
- Through Blue Growth more jobs and wealth are being created and are helping coastal communities become more resilient, prosperous and equitable with a vibrant culture; and
- Through the responsible deployment of low carbon technologies, the Welsh marine area is making a strong contribution to energy security and climate change emissions targets.
- **Band One** activities are low risk and little or no additional evidence is likely to be required to demonstrate compliance with this Plan.
- **Band Two** activities are medium risk. Some evidence is likely to be required to demonstrate compliance with this Plan. The level of evidence required will be based upon the level of risk associated with the project.
- **Band Three** activities are higher risk, including projects that require formal project assessment processes. A greater level of evidence is likely to be required to demonstrate compliance with this Plan. Proposals falling into Bands Two and Three should include a clear supporting statement on which plan policies are relevant, the

extent to which the proposal complies with the policies and how the proposal contributes to the Plan vision and objectives.

[Planning Policy Wales \(Edition 11, February 2021\)](#) outlines the Welsh Government's commitment to the importance of 'places' and 'place-making', the importance of using previously developed land wherever possible in preference to greenfield sites, and the recognition of the health and wellbeing related benefits by creating a sense of place and improving social cohesion. PPW 11 confirms that the environmental components of places are intrinsically linked to the quality of the built and natural environment and contribute to the health and wellbeing of the people who live, work and play there. It emphasises the importance of creating sustainable communities and reducing reliance on the private car as part of a package of measures to reduce the country's carbon footprint and help tackle the climate emergency.

PPW 11 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 11: Noise (1997)
- Technical Advice Note (TAN) 12: Design (2016)
- Technical Advice Note (TAN) 18: Transport (2007)

Local Planning Policies

The Local 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 SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP5** Development in the Coastal Corridor Strategy Area
- **Policy SP7** Housing Requirement
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policies :

- **Policy SC1** Settlement limits
- **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)
- [Biodiversity and Geodiversity \(May 2018\)](#)

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, highway and pedestrian 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) 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

(Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein. This includes a significant emphasis on placemaking and the creation of sustainable places and their role in improving the wellbeing of communities. Indeed, PPW11 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 (paragraph 2.28) 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 11 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.

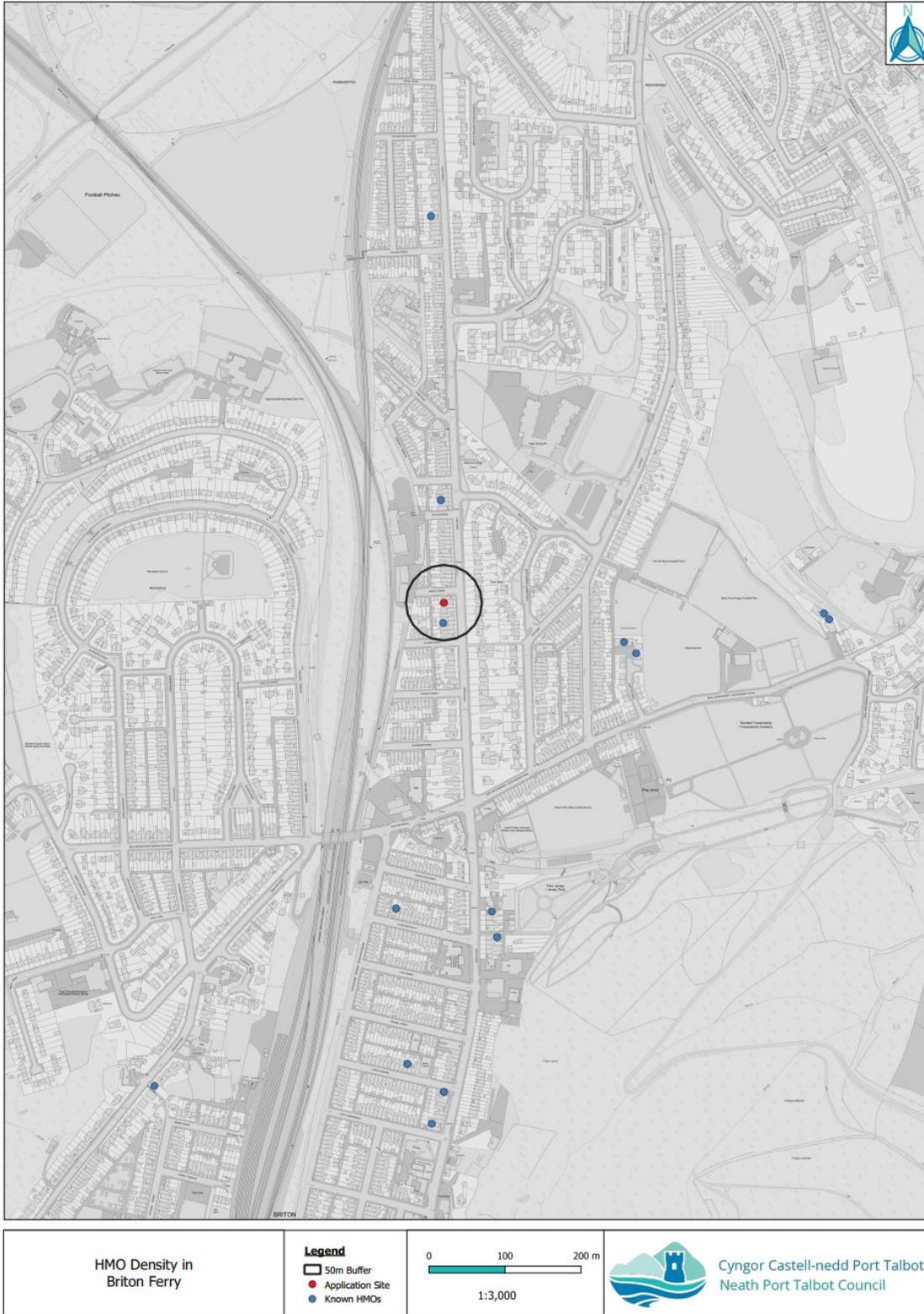
In the absence of a specific HMO Policy, this application has to be determined in line with current LDP Policies. In this respect, it is emphasised that the application site is located within the settlement limits defined by Policy SC1 of the LDP and therefore the principle of residential development (albeit a C4 HMO use, rather than a Class C3 dwellinghouse) 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 3-bedroom house 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 and based on the information accessible to the Council, there are 10 properties within this terrace block within which the application is location, and records indicate that one of the properties are currently registered as an HMO.

It should be noted that SPGs adopted in other authorities including that within Swansea have referred to a 50m buffer zone being drawn around the application site and a requirement for consideration of the number of HMOs within that zone.

In this case there would only be 2no. known HMOs within the zone (Numbers 65 and 75). It is noted that there is another HMO at 25 Cwrt Sart approximately 134m to the north of the application site. Should this application be approved, it would result in approximately 13.3% of the properties being HMOs (2 out of the 15) within the 50m radius, as illustrated on the map 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 are no known HMO issues in this particular area of Britton Ferry East that would raise significant concern to warrant a refusal in this case. As such, 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. It is considered that the principle of the conversion is acceptable on Policy grounds. Moreover, within a wider context with residential properties opposite, it would be difficult to sustain an argument that there was an over-concentration of such Class C4 uses in this immediate area and there are no overriding considerations that would outweigh this recommendation.

Although the applications supporting information identifies a maximum of 6 people, given the number of bedrooms proposed as part of the application (6no. bedrooms) a condition will be attached to the decision notice to ensure that the properties is occupied by a maximum of 6no. people to ensure that the proposed C4 use is conformed too.

Impact on Visual Amenity

It is noted that no external alterations are proposed to the property itself with the formation of 1no. parking space to the rear of the site and the bin and cycle store would be located within the existing lean to at the rear of the property. As such it is considered that the proposal would retain a residential appearance and the overall proposal would not unacceptably detriment to character and appearance of the surrounding area or street-scene.

The removal of the rear boundary wall and the creation of a parking space does not require planning permission. The creation of the parking space is considered to be a minor alteration to the rear of the side, located on the existing garden level.

With regard to a sprinkler system the agent has confirmed by email that this would be considered at a later date with the submission of a new application if necessary.

As such the proposed change of use is considered to comply with Policy BE1 of the LDP.

Impact on Residential Amenity

In respect of potential overlooking, it is noted no new windows are proposed. Whilst there is one first floor side elevation windows on the property it already serves a bathroom and will continue to serve a bathroom. The existing rear elevation windows would also remain and would continue to serve bedrooms and would not have new or different views than those which currently existing. As such, it is considered that the proposed change of use would not create any additional or unacceptable overlooking over and above that currently experienced. In order to ensure that no additional overlooking issues are created 'permitted development' rights for windows, doors and dormers can be removed from the property by way of a suitably worded condition.

With regard to potential overbearing and overshadowing, it should be noted that no extensions or alterations are proposed externally to the property. As such, the proposal would not create any unacceptable issues in these regards.

In respect of potential noise and disturbance, whilst it is acknowledged that the use of the property will be for a 6no. bedroom HMO, the Environmental Health Department has assessed the submitted scheme and following the provision of another bathroom at ground floor, advises that they are satisfied that the room sizes and amenities provided are sufficient for the proposed use as a 6 person C4 Use Class HMO, and would have no objection to the principle of this change of use following the submission of the amended plan showing an additional bathroom at ground floor. Additionally, it was requested that a condition be attached relating to demolition and construction hours. As no demolition is proposed a condition will be attached relating to construction for the internal works proposed.

It is noted that the proposed layout would introduce two bedrooms are ground floor however this is not considered to result in an unacceptable level of noise and disturbance to the adjoining neighbours.

Provided that the requested condition limiting occupation to a maximum of 6 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 family property. Accordingly, it is considered that the proposed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would be uncharacteristic of a dwelling of this size and would not warrant refusal of this application.

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 Department 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 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 existing property is located off the A474 which is the main route through Briton Ferry into Neath. The A474 is a busy main road with intermittent parking restrictions however it is noted that there are no parking restrictions on this section of Cwrt Sart, Short Street to the North of the site or Tucker Street to the South.

It is noted that concerns have been raised by the provision of parking within the locality, which has subsequently resulted in the application being called to Planning Committee for determination.

Members may be aware that there is to be a review of the Authority's Parking Policy and this will include consideration of how HMO's and other types of residential uses

will be considered when issuing resident only parking permits. This review will include input from other sections of the Authority, including planning and Highways.

In relation to the existing situation, an existing residential property would have a parking requirement, as detailed in the Parking Standards SPG, for 1 space per bedroom up to a maximum of 3 spaces. However, at present, there is no off-street car parking available at the site.

In respect of the proposed use, it is noted that as a 'residential use' (albeit C4 not C3) this would require 1 space per bedroom (up to a maximum of 3). The total for the proposed use would therefore be **3 spaces**. It is noted that 1 space is proposed to be created within the rear area (in a space approximately 4.8m x 2.4m, with space to the sides of the space. The parking space would also be set in from the rear boundary of the site by 3.4m and 6m from the back of the access lane. This space would be sufficient to allow 1 car to be parked, as well as manoeuvre into and from the rear lane access. This means that whilst there would be a technical deficiency of 2 spaces, there would be a 'betterment' over the current situation and current lawful use.

The Head of Engineering and Transport (Highways Section) has assessed the proposal and offers no objection to the development, subject to conditions.

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. It should also be noted that 'Permitted Development' Rights for extensions can be removed from the property in order to protect the car parking and bin-storage area to the rear yard.

While concerns have been raised with regard to the parking ability to the rear of site, the highway officers response confirms that the proposal would meet the required area to access and egress the site.

Notwithstanding the parking provision on site, the application site is located within 30m of a bus stop, with 5 bus stops located within 300m. Britton Ferry train station is also located within 460m of the application site with the closest shop 285m to the north the application site is considered to be sustainably located with proximity to public transport links. It is noted that concerns have been raised regarding the reduction of local bus routes however Cwrt Sart is a main bus route with services still running.

Although concerns have been raised regarding the location of the site on a busy main road with no dedicated cycle paths, active travel is promoted in urban residential areas. Cycle parking would be provided on site within the existing lean-to and can be secured by a suitably worded condition.

Given the existing use and the lack of parking provision on site, together with the sustainable location of the site (i.e. near shops and facilities and on a bus route), 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.

Biodiversity / Ecology

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Planning Policy Wales (PPW) 11 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity”. This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

It is noted that no biodiversity enhancement has been proposed as part of the application however given the scale of the proposal, it is considered reasonable that enhancement measures can be secured by a suitably worded condition.

Flood risk

Part of the garden is located within the new Flood Maps for Planning Flood Zone 2 however the property is located outside of any flood zone and as such is not considered to be at risk to flooding.

Other Matters

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

- Concerns were raised with regard to safety when having to park streets away and having to walk home in the dark, however this is not a material planning consideration as parking on the highway cannot be controlled.
- Concerns were raised noting that CCTV fitted outside property to monitor vehicles would be redundant if unable to park outside property however this is not a material planning consideration.
- Concerns raised with regard to unloading shopping and getting young children into house, however this is not a material planning consideration.
- Concerns with increase in antisocial behaviour and would lead to breakdown in social and community cohesion however as assessed above given the density of HMOs within the locality, the proposal isn't considered to unacceptably detriment the character of the area.
- With regard to concerns of personal circumstances if approved it is being insisted to move from area, the application can only consider the planning merits of the application and the application proposes a residential use within a residential area.
- In respect of the concerns if the proposals impact on property values, it should be noted that this is not a material planning consideration, so cannot be taken

into account when determining this application. The proposed use would be residential in nature within a predominantly residential area.

- Concerns regarding affordable housing and occupancy turnover, however the planning system controls the use of the land not the type of future occupant. As a result, the planning application process cannot dictate the type of resident who will potentially occupy this property and as such associated concerns cannot be considered as part of this application. Concerns were also raised that the owner doesn't live in the area, however this is not a material planning matter.
- Letters received by residents from South Wales Police warning against parking on pavements and junctions, however illegal parking is not a planning matter.
- Representation received note that a number of HMO applications have been challenged by residents and have moved from previous area of HMOs. While consideration is given to other applications in the area, each planning application is determined on their own merits.
- Representation noted the inclusion of a car port to be built to back of house however the proposal would only include a parking space with no building constructed.
- Swansea University is closest higher education where ample accommodation is provided and while HMOs can be used to provide student accommodation it is not their sole use.
- Concerns have been raised in regard to crime rates in the area, with fear of children's safety and the impact upon the safe family orientated area. With regard to the above considerations the proposed change of use of the property is not considered to detriment the overall safety of the area to a degree that would warrant a refusal on the application.
- Concerns with affordable housing and occupancy turnover, however the occupancy of the property is not a material planning consideration.
- Concerns raised stating that the change of residential use does not fit into the area, will cause a shift in feeling and worry too many families and be a detriment to the local children. As a result, the planning application process cannot dictate the type of resident who will potentially occupy this property and as such associated concerns cannot be considered as part of this application.
- In regards to the concerns of overlooking and loss of privacy, these have been addressed in the report above.
- In relation to the comments concerning fly-tipping and pests, it should be noted that bin storage will be provided on site with the existing lean-to building, 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.

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 Future Wales - the National Plan 2040 and 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 residential amenity or upon the character and appearance of the surrounding area, and there would be no unacceptable 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 Future Wales - the National Plan 2040, and 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

APPROVAL, 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:
HMO planning statement - 19/06/2023
2334 - AL - (00)01D - Block and site plan
2334 - AL - (01)03A - Roof Plan existing
2334 - AL - (01)05A - Rear elevation existing
2334 - AL - (01)01A - Ground floor existing
2334 - AL - (01)02A - First floor existing
2334 - AL - (01)06A - Site elevation existing
2334 - AL - (2-)01C - Ground floor proposed
2334 - AL - (2-)02B - First floor proposed
2334 - AL - (4-)01B - Front elevation proposed
2334 - AL - (4-)02B - Rear elevation proposed
2334 - AL - (4-)03B - Side elevation proposed
2334 - AL - (47)01B - Roof plan proposed
2334 - AL - (01)04A - Front elevation existing

Reason:

In the interests of clarity.

Action Conditions

3. Prior to the first beneficial occupation of the House of Multiple Occupancy hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;
- Nest Box Specifications for House Sparrow Terrace:
Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of building.
Entrance holes: 32mm diameter
Dimensions: H310 x W370 x D185mm
or
Swift Nest Box Specification:
Wide box with small slit shaped entrance hole. Must be placed under or close to roof, at least 5m from the ground.
Dimensions: H150 x W340 x D150mm

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

4. Prior to the first beneficial occupation of the HMO hereby approved, the parking area shall be constructed in a hardwearing porous material, such as block paving or asphalt, or provision must be made to direct run-off water from the hard surface, to a permeable porous area or surface within the curtilage of the dwelling to a maximum gradient of 1 in 9, with no surface water allowed to flow out onto the public highway and permanently maintained as such use 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.

5. 5 Prior to first occupation of the HMO, the removal of the rear boundary wall and the provision of one off street parking space, within the curtilage of the property, accessed via the rear lane of Cwrt Sart is fully constructed. The parking space shall be located as detailed on the submitted plan drawing number 2334-AL(2-)01, the car parking space shall be dimensioned as 6 metres x 2.6 metres and set back 6 metres from the opposite side of the lane, to ensure vehicles can manoeuvre with ease. The car parking space shall be retained for the use of the occupiers of the house of multiple occupation only.

Reason: In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

6. The development shall not be occupied until facilities for the secure storage of bicycles and bins have been provided within the existing single storey lean-to at the rear of the property, and the facilities shall thereafter be retained at all times.

Reason:

In the interest of highway safety and to ensure the development complies

with Policy BE1 and TR2 of the Neath Port Talbot Local Development Plan.
Regulatory Conditions

7. Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:00 Saturday, and no construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such additional doors or windows, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

10. Any gates provided across the rear access shall be of a type which open inward only and can be seen through, and shall be retained as such thereafter.

Reason:

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

11. The House of Multiple Occupation (HMO) hereby approved shall be limited to a maximum of 6 people.

Reason:

In the interest of the residential amenity of the potential future occupiers due to the size of the kitchen area, and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.