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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	28th November 2018

Application No.
P/18/0199

Date
21st August 2018

Determining Authority
MTCBC

Proposed Development

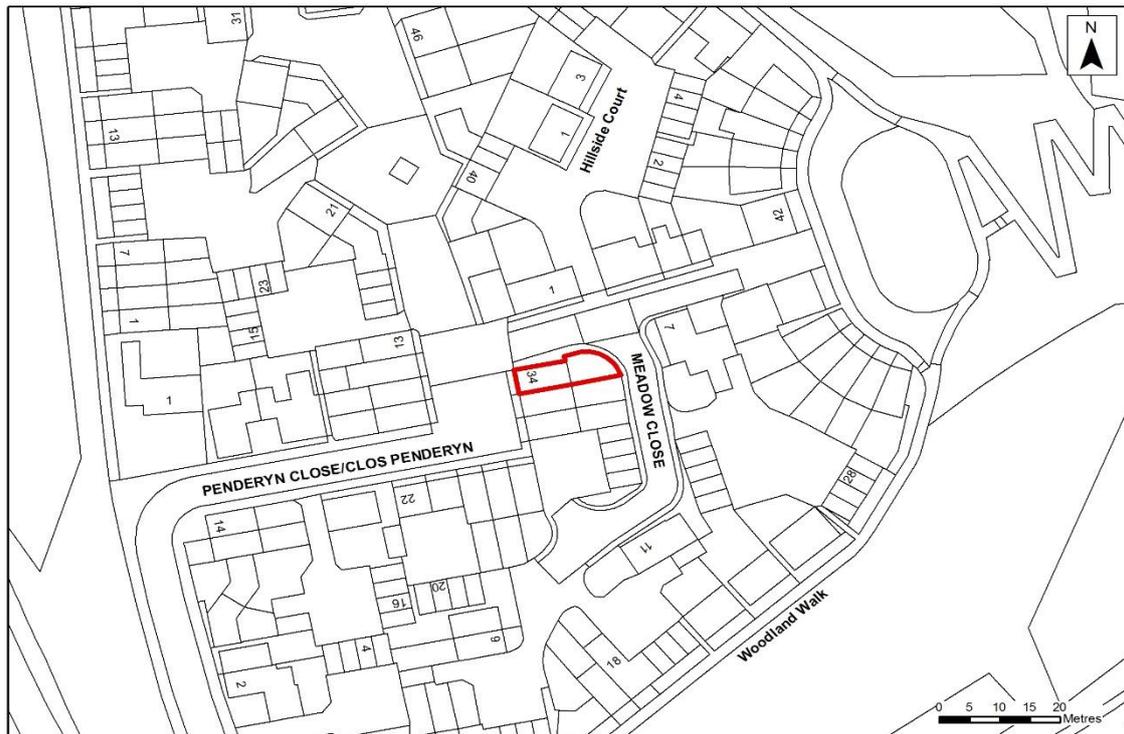
Location

Name & Address of Applicant/Agent

Change of use from dwelling (C3 use class) to house of multiple occupation (HMO)(C4 use class) (Retrospective Application)

34 Penderyn Close
Ynysfach
Merthyr Tydfil
CF48 1AS

Mr D O'Brien
c/o Viv Jones
114 Brecon Road
Hirwaun
RCT
CF44 9NS



PURPOSE OF REPORT

To further consider planning application P/18/0199

At the Planning, Regulatory and Licensing Committee meeting held on the 31st October 2018 it was resolved to defer the determination of the application to allow

members to undertake a fact finding site visit. This took place on the 13th November 2018.

The main planning related issues raised during the fact finding site visit centred around the impact the HMO has on the character of the residential area, the amenities of nearby occupiers and the parking provision within the estate. All of these issues have been fully considered in the original committee report, thus the conclusions reached were simply re-iterated at the site visit. Other issues regarding the requirements set out for landlords under Rentsmart Wales and the Building Regulations were also raised. It was also re-iterated at the site meeting that these issues are not material planning considerations and cannot be controlled by planning legislation. A member of the committee also questioned whether an approval of this application would set a precedent. It was confirmed that this application must be considered on its own merits and any potential future HMO applications cannot be considered as part of the assessment of this application.

Therefore, the points raised at the fact finding site visit did not highlight any new issues that would alter the original recommendation to Committee.

COMMITTEE'S DECISION IS REQUIRED.

A copy of the original report to Committee is reproduced below for committee's convenience.

Councillor Chaplin has requested that this application be reported to committee in order to consider the concerns of local residents, such as additional parking requirements and highway safety.

APPLICATION SITE

The application site relates to a three storey end of terrace dwelling, 34 Penderyn Close, in Ynysfach. The dwelling, a corner plot and sited between Penderyn Close and Meadow Close, is served by an enclosed rear garden. The property is served by two parking spaces (1 parking space in a garage and the other to the front of the garage) located in a parking forecourt to the south of the property. The property was formerly used as a single dwelling (C3 use class), but has been used as a house of multiple occupation (HMO) (C4 use class) since July 2016.

The property lies in a residential estate and is therefore surrounded by residential properties of different scales and sizes. It is located within the settlement boundary – Primary Growth Area, as designated within the Merthyr Tydfil Local Development Plan 2006-2021.

PROPOSED DEVELOPMENT

This application seeks retrospective planning permission to change the use of the property from a 4 bedroom dwelling to a 4 bedroom HMO. HMOs (falling within use class C4) are defined in the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 as shared houses or flats occupied by between

three and six unrelated individuals who share basic amenities and occupy the property as their main residence.

The change of use has not resulted in any external or internal alterations to the property. The two parking spaces are used in association with the HMO. The applicant has confirmed that since it has been used as a HMO (since July 2016), 4 people have been living at the property.

PLANNING HISTORY

There is no recent planning history relevant to this application.

CONSULTATION

Engineering and Traffic Group Leader

No objection.

Environmental Health Manager

No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the premises.

A petition with 28 signatures and 11 letters of representation have been received which, in summary, raise the following concerns:

- A HMO will be disruptive in this small estate of family housing and there is concern over the people who would reside in the property;
- The property's siting on a corner plot results in kerbside parking to the side of the dwelling which limits access and manoeuvring for other vehicles including emergency vehicles. Parking to the front of the property also increase congestion and parking issues in the area and puts the safety of pedestrians and children (who regularly play in the area) at risk;
- The proposed development, if approved, would set a precedent for further HMO's to be allowed in an area where properties and road networks have not been prepared for such uses;
- Every house on the estate has 1 allocated parking space. To state that the application property has 3 is misleading. The information provided by the applicant on the application forms, in respect of the commencement of development and parking provision on the application site is incorrect;
- The property has already been running as a HMO for over 12 months and has not been registered with Rent Smart Wales;
- It is disappointing that only one site notice was displayed on a lamp post opposite the property and we would expect a wider consultation to residents;
- 5-10 cars will park outside the property, depending on whether one or two people occupy a room;
- Approving this application would devalue properties in this area even further;
- Congestion is so significant that the refuse lorry has difficulties gaining access throughout the estate during its weekly pick up;

- This housing development was meant to be a 'home zone' and additional parking will increase the risks for families residing in the area;
- Would the tenants be liable to pay for the management company, since this payment is per household;
- Parking is particularly bad in the evening, outside working hours and the officer most likely visited the site during working times. Additional parking should be provided within the rear garden area of the property, should permission be granted.
- This property has been reported due to anti-social problems and if this application is permitted, this will intensify problems in the area;
- The application description should refer to retrospective consent.

POLICY CONTEXT

Local Policies

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

Policy BW1 – Development Strategy – Primary Growth Area

Policy BW4 – Settlement boundaries/location constraints

Policy BW7 – Sustainable design and placemaking

Policy BW12 – Development proposals and transport

Policy TB11 – Access, parking and accessibility of local facilities

Other Guidance:

Welsh Government Guidance: Houses in Multiple Occupation: Practice Guidance (February, 2016)

PLANNING CONSIDERATIONS

The main issues to consider in the assessment of this application relate to whether the principle of the development is acceptable in this location and whether it would be an appropriate development in respect of its impact upon the character and appearance of the area, the residential amenity of neighbouring properties, parking provision and highway safety.

Principle of Development

The proposed development seeks to change the use of a 4 bedroom dwelling into a 4 bedroom HMO. Given that the property lies within the settlement boundary and seeks to continue to provide a residential use (albeit of a different nature), it would be acceptable provided it complies with other relevant policies. The proposed development, in principle, would therefore comply with LDP Policy BW4.

Character and Appearance

The proposed change of use would not involve any alterations to the exterior or interior of the property. Therefore, this proposal in terms of visual impact would not have an adverse impact on the appearance of the property or the character of the

wider area. Whilst it is appreciated that properties occupied by non-family households have the potential to change the character of an area (i.e. damage social cohesion with higher levels of transient residents), it cannot be argued that a single HMO (which has been operating since 2016) has led to an over-concentration of HMOs causing significant harm such that planning permission should be withheld on this basis. As such, the proposal complies with LDP Policy BW7.

Residential Amenity

In terms of the impact on residential amenity (i.e. noise and disturbance and overlooking from existing windows) it is not considered that the proposal would be significantly different to the existing use. There would be no additional overlooking from first floor windows and any noise and disturbance would be similar to that expected from a 4 bedroom house. Indeed, the responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities (e.g. Public Health and Protection) and social landlords. The proposed development therefore complies with LDP Policy BW7.

Parking and Highway Safety

Whilst the parking and highway safety concerns of residents are fully appreciated and it could be argued that some HMOs may increase the demand for on-street parking, in this case, any increase would not be sufficient enough to cause any highway safety concerns.

A 4 bedroom house for example could be occupied by a large family with a number of vehicles. For example, both parents could have a car and their children could also have a car each. Likewise, a HMO could be occupied by residents who either do or do not own a car. Nevertheless, when compared to the permitted use (i.e. a four bedroom dwelling), a single HMO in this street would not increase the demand for on-street parking to a level that would cause an adverse impact on the free flow of traffic or highway and pedestrian safety. It is noted that the Engineering and Traffic Group Leader has not objected to this application. The proposed use would therefore comply with LDP Policies BW12 and TB11.

Responses to Representations

Some of the concerns raised by local residents have been considered above. Other concerns raised are addressed below:

- The loss of value of residential properties is not a material planning consideration;
- Any further applications in this area for a change of use to a HMO would need to be considered on their own merits.
- The application form, plans and description of development were amended. This confirmed that the off street parking provision serving the property was in fact 2 and not 3 spaces. It also confirmed that the use had been operating since July 2016. The description of development also included the reference

'retrospective'. Adjoining neighbours were re-consulted on the amended plans and application form and an amended site notice was displayed on-site;

- The fact that the applicant has not registered with Rent Smart Wales, is not a material planning consideration;
- In consulting adjoining neighbours and displaying a notice near the site, the local planning authority has complied with the relevant legislation.
- Issues regarding the fee's payable to the management company would not be a material planning consideration;
- The applicant has not proposed any additional parking within the rear garden of the property. The application has therefore been considered in respect of the submitted plans and information.

Conclusion

This application has been carefully considered in respect of each of the issues that the application raises and it is noted that the majority of objections received relate to the likely impact this proposal would have on parking provision and highway safety issues within the locality. However, for the reasons stated above, it is considered that the proposal complies with the relevant LDP policies and as such is considered acceptable.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In this respect, it is noted that the Council's Local Development Plan puts sustainability at its core. Delivering a mix of quality housing through the re-use of vacant buildings or brownfield land, within existing settlements, is key. The ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Drawing no: 2619 Rev C, received 21st August 2018

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.