

PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0679/10 (GRD)
APPLICANT: D2 PropCo Limited
DEVELOPMENT: Change of use from bed and breakfast to House in Multiple Occupation (HMO) use (Amended Plans received 30/08/2023)
LOCATION: CENTRAL HOUSE GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ
DATE REGISTERED: 30/08/2023
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve, Subject to conditions

REASONS: Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector and the proposal would assist in providing additional accommodation within this sector. However, it is also acknowledged that multiple occupation of a house can involve the intensification of its residential use and that this intensification of occupation could result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours, and the local community. Notwithstanding, the application site is in a predominantly residential area and in a sustainable location with good access to public transport and key services and facilities which is considered acceptable. Furthermore, the application complies with relevant policies of the Council's Houses in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG).

The site also relates to an existing building and the proposal would be residential in nature, which is considered acceptable. The proposal would not involve substantial external alterations and would not be considered to impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- A written request has been received from Councillor Steve Powderhill for the application to be reported to the Development Control Committee.

APPLICATION DETAILS

Full planning permission is sought for the conversion of an existing bed and breakfast to a House in Multiple Occupation (HMO). The applicant has confirmed that the conversion would not involve external changes at the property, except for some minor works including replacing windows and a small screening fence to the decking to the rear of the site.

The proposed House in Multiple Occupation would contain 11 bedrooms, 5 of which would benefit from en-suite facilities, arranged over two floors of the property. The HMO would also have a living room, kitchen, office and shower room and W/C to ground floor, with a further bathroom to first floor and storerooms, a bathroom and internal 'amenity space' for residents to the second floor of the building.

Amended plans were received on 30/08/2023 which provided a slight amendment to the application site red line boundary. The amended plans provided also reduced the bedrooms proposed at the HMO from 13 to 11 and included an additional indoor 'amenity space for residents' along with store rooms to the second floor.

SITE APPRAISAL

The application site relates to Central House Guest House, a detached bed and breakfast guest house, situated in a predominantly residential area of Treforest, towards the western edge of the village at the top of Stow Hill. The site is bound to the north and east by the adjacent highway with a small lane to the south of the site. Some shrubbery and trees are sited along the northwest of the site, with a neighbouring property's garden positioned to the west of the application site.

Vehicular access to the building is gained from the southeast via Stow Hill and the property benefits from parking areas within its curtilage to the front of the building. Pedestrian access can be gained to the property from both Stow Hill and via the adjacent lane to the south of the site. The application site also contains an outbuilding to the rear of the guest house along with an existing raised decking area.

Surrounding properties vary in terms of scale and design being a mixture of traditional terraced and more modern detached and semi-detached dwellings.

PLANNING HISTORY

21/0617/10: CENTRAL GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ. '*Proposed two bedroom annexe ancillary to and in the grounds of Central Guest House, Stow Hill, Pontypridd*'. Granted, 04/10/2021

14/0254/10: LAND ADJACENT TO CENTRAL GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ: '*Retrospective dry room/store*'. Granted, 02/05/2014

05/2070/10: LAND OFF STOW HILL, TREForest, PONTYPRIDD. '*Proposed construction of residential property to serve as bed and breakfast establishment*'. Granted, 14/04/2006.

05/0219/10: LAND AT STOW HILL, TREForest, PONTYPRIDD: '*Temporary permission for siting of caravan for applicants residential use*'. Granted, 12/05/2006

05/0091/10: LAND OFF STOW HILL, TREForest, PONTYPRIDD: '*Proposed Bed & Breakfast Accommodation*'. Refused, 01/09/2005.

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of a site notices in the vicinity of the site. No letters of objection were received from neighbours following consultation.

CONSULTATION:

Pontypridd Town Council

Object strongly to the planning application. The objections received from the Town Council are as follows:

- Traffic and Parking – The Town Council consider that the area has issues with traffic and parking and that parking is currently inadequate. The proposal would exacerbate the issue for residents and businesses and would negatively impact the quality of local residents' amenities.
- The Town Council also consider that the proposal would potentially cause mental distress, contrary to creating a 'Healthier Wales' and contrary to the 'Well-being of Future Generations (Wales) Act 2015'
- The Town Council consider that there is a surplus of student accommodation available in the immediate area and as such, they consider that local residents and their families are being forced to move from the community, which would not be deemed satisfactory to the sustainability of the community.

Local Highway Authority

No objections.

Flood Risk Management

No objections.

Public Health & Protection

No objections, subject to condition. Advisory notes recommended.

Dwr Cymru/ Welsh Water

No objections, subject to condition. Advisory notes recommended.

South Wales Police

No objections. Advisory notes recommended.

South Wales Fire and Rescue Service

No objections

Rights of Way Officers

No adverse comments received.

The Local Member for the ward, Councillor Steve Powderhill, has raised concerns with the application and has stated his concerns with Houses in Multiple Occupation (HMO) properties. The Local Member has noted that the guest house has 6 letting rooms and that the proposed 11 bed HMO would double the occupancy with concerns raised with regards to the number of occupants at the site. The Local Member further noted that they understood the need for this type of accommodation, however objected to the number of occupants proposed.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site relates to an existing Bed and Breakfast facility. The following policies are relevant in the determination of this application:

Policy CS2 (Development in the South): sets out criteria for achieving sustainable growth including development that benefits Rhondda Cynon Taf as a whole.

Policy AW1 (Supply of New Housing): sets out how the Council will meet the housing land requirement during the plan period.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy SSA13 (Housing Development Within Settlement Boundaries): Outlines criteria for permitting development within the defined settlement boundaries.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

Development of Flats

Houses in Multiple Occupation (HMO)

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application relates to the change of use of an existing bed and breakfast to a House in Multiple Occupation (HMO).

The application site is in a predominantly residential area and most of the application site, including the guest house itself and the site's associated parking area are within settlement boundary limits. However, minor parts of the application site including an existing outbuilding and decking area are located just outside the settlement boundary line. The site nonetheless has good access to key services and facilities, being located close to bus routes and within walking distance of both Treforest Train Station and the main retail centre of Treforest.

It is recognised that Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector. HMOs are needed to provide accommodation for low-income individuals or small households who would otherwise be in hostels, overly large households or even homeless. They are popular with students, young, single employed or unemployed persons, small households unable to afford self-contained accommodation and small households who need flexibility to move home. Accordingly, such residents are often transient, with a high turnover of population within these communities.

However, it is also acknowledged that multiple occupation of a house can also involve the intensification of its residential use and that this intensification of occupation could result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours, and the local community.

The Council therefore has a Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (SPG) with relevant policies relating to proposals for Houses in Multiple Occupation (HMOs) in Rhondda Cynon Taf, and Treforest specifically. The SPG has the twin purpose of identifying when it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community and secondly, provide guidance on standards of HMOs and how they should be developed.

The application site relates to a detached building and as such, the development would not result in the 'sandwiching' of non-HMO properties and would not result in more than two HMOs being sited directly adjacent to each other, and as such, the proposal complies with 'Policy HMO 3 – Sandwiching and Adjacent HMOs' of the SPG.

The application site is in Treforest. 'Policy HMO 1 – 20% Threshold Area in Treforest' stipulates that within the Treforest Ward, a threshold of 20% of HMO dwellings (as a percentage of all residential properties) within a 50 metre radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

A search of the Council's records shows that there is one other HMO dwelling within 50 metres of the application property, out of a total 20 properties within a 50 metre radius of the planning application address. The provision of an HMO at the application site would therefore not result the 20% threshold being exceeded, and the proposal complies with Policy HMO 1 of the Houses in Multiple Occupation (HMOs) SPG.

Overall, the proposal is considered to comply with relevant policies of the Local Development Plan in terms of its sustainable location within a residential area. Furthermore, the proposal complies with relevant policies contained within the Council's adopted Houses in Multiple Occupation (HMO) SPG. Consequently, it is considered that the general principle of providing a House in Multiple Occupation at this location is considered acceptable.

Impact on the character and appearance of the area

The proposal would not result in any major external alterations to the property. The character and appearance of the property would therefore remain as existing. Furthermore, the proposal complies with the Council's adopted Houses in Multiple Occupation (HMOs) SPG and it is considered that the provision of an HMO at this location, being residential in nature, would not be considered to alter or harm the general character of the area.

Impact on residential amenity and privacy

The proposal would not result in any substantial external alterations to the property and as such, the outlook gained from the property would remain as existing and it

would not be considered that the proposed development would adversely impact upon the privacy of neighbouring occupiers or their amenities by ways of overshadowing or overbearing.

The building is an existing guest house, and as such, there are existing comings and goings to and from the site. It is acknowledged that the provision of an 11 bed HMO could cause some additional disturbances and noise at the site; however, this would not be considered a significant increase or excessive. Furthermore, the application site is a substantial detached building which is bound to the north, east and west by the adjacent highway, all of which provide a degree of separation from other properties within the immediate vicinity thus lessening any additional disturbances caused. The site is also bound to the west by a line of trees and hedgerow which provide some additional privacy for occupiers to the west of the site. Overall, the proposal would be residential in nature, and it is not considered that the development would excessively increase the level of disturbance at the site and would not significantly harm the amenities of neighbouring occupiers.

Concerning future occupiers of the HMO. Bedrooms and habitable rooms offer reasonable levels of outlook, and the property would provide future occupants with a kitchen, office, living room, an internal room providing 'amenity space for residents', two storerooms and a total of 3 bathrooms and 5 en-suites. Overall, the application site is considered of a sufficient scale and the development proposal would provide adequate space for people's living needs.

The proposed HMO would provide limited outdoor amenity space for future occupiers, with only a small, raised decking area to the rear of the site and some areas around the building provided for future residents. However, the site is situated close to public rights of way routes and is within walking distance of other outdoor open spaces and recreational routes and other facilities and amenities within Treforest, which is considered sufficient to compensate for the lack of outdoor amenity space provided at the application site. It is also considered that sufficient space exists within the grounds of the application site for the storage of bins, recycling, and food waste.

Comments from the Town Council, who consider that the proposed HMO would potentially cause mental distress and would be contrary to a 'Healthier Wales' and contrary to the 'Well-being of Future Generations (Wales) Act 2015 have been considered; however, as discussed above, the Local Planning Authority consider that the proposal would be acceptable in terms of its impact upon residential amenity. Comments were also received from the Local Member who noted that the existing facility contained 6 guest bedrooms rather than the 8 shown on the developer's plans. Whilst this discrepancy is noted, the Local Planning Authority have nonetheless assessed the application as a change of use from an existing guest house to an 11-bedroom HMO and consider the proposal to be acceptable in principle and in terms of its impact upon residential amenity and privacy.

Overall, it is not considered that the proposal would significantly harm the amenities of neighbouring occupiers and the proposal is considered acceptable in terms of its impact on residential amenity and privacy.

Access and highway safety

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received from the Local Highway Authority are summarised as follows:

Location:

Although located on a steeply sloping street the location is in a sustainable location close to local amenities and facilities including public transport and the University of South Wales Campus at Treforest.

Whilst there is high demand for on street parking within the surrounding area, no parking restriction or residents parking bays have been implemented along Stow Hill in the vicinity of the site.

Access:

The property is served off Stow Hill which provides continuous footway links on both sides of the carriageway leading to the proposed. On-street turning facilities are also provided near the proposed at Pen yr Ysgol.

No alterations to the existing access arrangements that served the use of the property as a guest house are proposed and the existing access is considered acceptable to provide safe access to the highway.

Parking:

The existing use as a bed and breakfast has a parking requirement of 1 commercial vehicle space, 1 space per 3 non-residential staff and 1 space per bedroom in accordance with the Council's SPG: Access, Circulation and Parking Requirements (March 2011).

The existing guest house provides 4 spaces marked within the carpark along with circulation, although it is considered that if blocking of cars could be managed an additional 4 vehicles could potentially be accommodated within the car parking area.

In accordance with the Councils' SPG Houses in Multiple Occupation (HMOs) 2018, the proposed change of use to HMO within parking zones 2-4 would require 1 space per bedroom up to a maximum of 3 spaces (for residents) and 1 spaces per 5 units for visitors.

On this basis the proposed would require 3 spaces for residents plus 2 spaces for visitors with 4 spaces provided.

The Local Highway Authority consider that the shortfall in parking is one space for visitor parking. Given the nature of the Council's Access, Circulation and Parking Requirements SPG, which is based on maximum parking, and that the proposed development would be in a sustainable location close to public transport routes with potential to accommodate short-term visitor parking on street or within the off street carpark by means of double parking by agreement. The Local Highway Authority consider that the parking provision is considered acceptable.

Local Highway Authority Recommendation:

The application site is located in a sustainable location with access to local amenities and facilities including the University of South Wales and public transport.

Whilst there is high demand for on street parking within the surrounding area, no parking restriction or residents parking bays have been implemented along Stow Hill in the vicinity of the site.

In accordance with the Councils Supplementary Planning Guidance (SPG) Parking Access and Circulation (March 2011) and Supplementary Planning Guidance (SPG) Houses in Multiple Occupation (HMOs) (May 2018), the proposed change of use would require a lesser parking provision of 3 spaces for residents and 2 spaces for visitor parking. With a total of 4 spaces provided.

Comments and objections received from the Town Council in relation to parking and traffic have been noted and considered; however, the Local Highway Authority have raised no such concerns with the application. Considering that the Council's Access, Circulation and Parking Requirements SPG, which is based on maximum parking, the location of the development in a sustainable location close to public transport routes and potential to accommodate short term visitor parking on street or within the off street carpark by means of double parking by agreement, the parking provision is considered to acceptable

Considering the above assessment, no highway objections have been raised by the Local Highway Authority, nor conditions suggested.

Other Issues:

Following consultation, the South Wales Fire and Rescue Service have no objections to the proposed development.

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust, and waste. The Council's Public Health Department have also noted that all work must be completed with current Building Regulations and that the HMO must adhere to the Council's space and amenity standards.

Furthermore, under the Wales wide Mandatory Licensing Scheme, HMOs that are 3 storeys or more and occupied by 5 or more persons living in 2 or more households are required to be licensed. In addition to those buildings that require a licence under Mandatory Licensing, from the 1st April 2019 all HMOs in the borough are required to be licensed under the Additional Licensing (Houses in Multiple Occupation) Scheme 2019. As such, the proposed HMO will need a licence and will need to meet the required amenities and facilities standards. An advisory note is recommended to any grant of planning permission notifying the developer that a HMO licence will be required for the property.

South Wales Police have also been consulted on the planning application and have offered no objection to the proposal. South Wales Police have noted that they recognise that there is a specific Supplementary Planning Guidance (SPG) in relation to Houses in Multiple Occupation (HMO) at the Council and consider that the application should be assessed in line with said SPG. South Wales Police have further issued several recommendations within their consultation response, including recommendations relating to 'Secured by Design' standards, which are recommended as advisory notes to any grant of planning consent.

No major external or internal alterations are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of Tan 15. The review concluded that the site does not fall within an area of surface water flood risk. Following consultation, the Council's Flood Risk Management Department does not object to the proposal.

Welsh Water have offered no objections to the proposal, subject a condition stipulating that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. However, due to the nature of the proposed development and that no extensions are proposed, the condition would not be considered necessary. Welsh Water have also noted that the site is crossed by public sewers and watermains and an advisory note is recommended to any grant of planning permission advising the developer as such.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector and the proposal would assist in providing additional accommodation within this sector. The application site is in a predominantly residential area and in a sustainable location with good access to public transport and key services and facilities which is considered acceptable. Furthermore, the application complies with relevant policies of the Council's Houses in Multiple Occupation (HMO).

The site also relates to an existing building and the proposal would be residential in nature, which is considered acceptable. The proposal would not involve substantial external alterations and would not be considered to impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

RECOMMENDATION: Approve, subject to conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941. C. 01. Received by Local Planning Authority 30/08/2023.
- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941 C. Received by Local Planning Authority 30/08/2023.

And documents received by the Local Planning Authority on 26/06/2023, 07/07/2023 and 30/08/2023 and unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.