

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2024-2025:

**PLANNING AND
DEVELOPMENT COMMITTEE
12th SEPTEMBER 2024

REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No.

**APPLICATION NO: 24/0374/10 –
CHANGE OF USE FROM A C3 DWELLING
HOUSE TO A C4 HMO (4 BEDROOMS) AT
3 BAGLAN STREET, TREHERBERT,
TREORCHY, CF42 5AA**

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 15th August 2024. A copy of the original report is attached below as Appendix A.

At that meeting Members resolved to refuse the application, contrary to the recommendation of the Director of Prosperity and Development, as they considered the accommodation proposed was inadequate and that the property was substandard for use as a 4-bedroom house in multiple occupation (HMO). They also considered that there was inadequate provision for waste storage at the site and that the proposal would generate additional indiscriminate on-street parking in the area.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The officer considerations regarding the principle of the proposed change of use are outlined in the original report, however, a brief summary is provided below:

Full planning permission is sought for the conversion and change of use of an existing dwelling house (Use Class C3) to a 4-bedroom HMO (Use Class C4).

It is recognised that HMOs have a key role to play in meeting housing need within the social rented sector and that the development would assist in providing alternate accommodation for low-income individuals or small households. However, it is also acknowledged that multiple occupation of a house can involve the intensification of its residential use which could result in increased levels of activity in and around the property, which can have negative impacts on occupants, their neighbours, and the local community.

In the case of this application, the development relates to an existing dwelling house which has historically been in residential use. The application site is located within settlement boundary limits and within a predominantly residential area of Treherbert. It is also located in close proximity to the Local and Neighbourhood Retail Centre of Treherbert where future occupants would have good access to local amenities and facilities and would have access to local bus routes and bus stops. Furthermore, the application complies with the relevant policies of the Council's Houses in Multiple Occupation Supplementary Planning Guidance (SPG). The proposed use of the property as a HMO is consequently considered acceptable, in principle, at this location.

It is also noted that the proposal would not involve any external alterations and would therefore have no impact upon the character and appearance of the application property.

The development proposes internal alterations and would increase the number of bedrooms at the property from a 3-bedroom dwellinghouse to a 4-bedroom HMO. On this basis, it is not considered that the scheme would result in a considerable intensification use, nor would the development significantly impact upon the amenity and privacy of occupants of surrounding properties. It is also considered, following consultation with the Local Highway Authority, that the development would have an acceptable impact upon highway safety in the vicinity of the site.

It is considered that the development would provide adequate space for people's living needs. In addition, from the 1st of April 2019 all HMOs in the County Borough are required to be licensed under the Additional Licensing (Houses in Multiple Occupation) Scheme 2019. It should also be noted that the Council's HMO SPG states that the internal aspects of HMOs are largely

dealt with by local authorities under Housing legislation, through licensing systems that ensure a minimum standard of facilities and living conditions. Consultation with the Public Health and Protection team has confirmed that the development would comply with relevant space standards required to secure a separate HMO licence.

Notwithstanding the above, Members considered the property is not of a scale that could appropriately accommodate an HMO for occupation by 4 individuals. It was considered the conversion would lead to overdevelopment of the site and an intensification of use that would result in substandard and poor quality living accommodation for future residents, noting issues such as small bedroom sizes, a lack of shared facilities and inadequate space for waste storage; and that the Local Planning Authority should aspire to provide good quality accommodation for future occupants. Furthermore, the proposed HMO would result in increased on-street parking demand in area that is already oversubscribed, subsequently generating indiscriminate on-street parking in the area which would have a negative impact upon highway safety.

These concerns are key considerations of such a scheme and proposals for residential schemes that would create poor quality living accommodation for future residents should be refused. If Members are still of a mind that the proposed development would lead to overdevelopment of the site and an unacceptable intensification of use, resulting in poor quality living accommodation for future residents, this could be considered contrary to Policy AW5 of the Local Development Plan and the HMO SPG.

5. RECOMMENDATION

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reasons for refusal would be appropriate:

- 1. The proposal represents an inappropriate conversion which would result in poor quality living accommodation for future residents. As such, the application is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Houses in Multiple Occupation (HMOs).**
- 2. The proposal would lead to increased on-street parking demand and would generate indiscriminate on-street parking in the area which would have a negative impact upon highway safety. As such, the application is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Access, Circulation & Parking Requirements.**

PLANNING & DEVELOPMENT COMMITTEE

15 AUGUST 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 24/0374/10 (LJH)
APPLICANT: MAINTY Group Consulting LTD
DEVELOPMENT: Change of use from a C3 dwelling house to a C4 HMO (4 bedrooms).
LOCATION: 3 BAGLAN STREET, TREHERBERT, TREORCHY, CF42 5AA
DATE REGISTERED: 15/04/2024
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The proposal is in keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers, or highway safety.

REASONS APPLICATION REPORTED TO COMMITTEE

- The Director of Prosperity and Development considers that the nature of the proposal warrants the involvement of the Planning and Development Committee.
- A petition containing 3 or more signatures has been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of an existing residential dwelling (Use Class C3) to a 4-bedroom house in multiple occupation (Use Class C4) at 3 Baglan Street Treherbert, Treorchy.

The conversion would be undertaken mainly through a number of internal alterations with no external works to the property required or proposed. The resulting house in multiple occupation (HMO) would accommodate 1 no. bedroom, living room, kitchen, bathroom, W.C. and entrance hallway at ground floor level, and 3 no. bedrooms at first floor level. No off-street parking provision is proposed.

Primary access would be gained off Baglan Street to the front with additional secondary access also from Baglan Street via the courtyard to the north-western side of the property. The courtyard would be retained for use as bin storage.

The application is supported by a Green Infrastructure Statement and a letter written by the Applicant, the latter of which is summarised as follows:

- Avalon Homes Ltd is a small company composed of only 2 directors, both of whom are full time serving Military Officers. The company is part of future retirement plans.
- The company has a small portfolio and aims to provide quality housing let on single Assured Shorthold Tenancy agreements.
- Having had firsthand experience of the plight of refugees fleeing to the UK, it is proposed to create HMO properties to provide safe and secure accommodation for displaced individuals, whilst reducing the financial burden for HM Government by decreasing hotel bill liability.
- Due to the nature of individuals proposed to be accommodated there will be no additional vehicles to be accommodated locally.
- 3 Baglan Street is a long term empty property and the proposal will help to regenerate the area.
- Whilst the property could accommodate 5 bedrooms, it is proposed to create a 4 bed HMO to create a more pleasant living environment to aid mental and physical wellbeing, and to be sympathetic to the local populus while still creating a viable business model.

SITE APPRAISAL

The application property is a traditional end of terrace dwelling located within a residential area of Treherbert. Its side elevation forms part of Mary Street with its principal elevation fronting Baglan Street (A4061), the main thoroughfare. The property sits towards the south of Treherbert. To the side is a small, enclosed amenity space bounded by no. 2 Baglan Street. There is no additional amenity space or provision for off-street parking.

The surrounding area is predominantly residential in nature comprising mainly terraced dwellings. A handful of commercial properties are located along this section of Baglan Street, these include a hot food takeaway and an off-licence.

PLANNING HISTORY

There are no recent planning applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as a notice displayed at the site.

1no. letter of objection has been received from a neighbouring occupier following consultation, the letter has also been counter signed by 14 no. other residents, thereby resembling a petition. The points raised have been summarised below:

- Terraced houses in general are not suitable for use as HMOs.
- This house specifically has no off-street parking facilities and will cause additional on-street parking demand on Mary Street.
- The shared facilities are unsuitable.
- The additional refuse will cause obstruction along Baglan Street on collection days.
- There is no useable amenity space at the property.
- The proposed plans do not adhere to current minimum standards for HMOs in RCT.
- The landlord is not a resident of RCT and therefore response to any matters requiring urgent attention is likely to be delayed or ignored.

CONSULTATION

Transportation Section: No objection raised, or conditions suggested.

Public Health and Protection: No objection raised although conditions recommended in relation to construction hours, noise, dust and waste. It is also noted that the proposed HMO would need to be licensed in accordance with the Council's separate Additional Licensing Scheme.

Flood Risk Management (Drainage): No objection subject to a condition in relation to local surface water flood risk.

Dwr Cymru/ Welsh Water: No objection although condition recommended in relation to surface water drainage.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 lies within the settlement boundary for Treherbert but is not allocated for any specific purpose.

Policy CS1 - sets out criteria for achieving sustainable growth including providing high quality, affordable accommodation that promotes diversity in the residential market and encouraging a strong, diverse economy.

Policy AW1 - sets out the criteria for new housing proposals.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of pollution and flooding.

Policy NSA12 - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking
- Houses in Multiple Occupation

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 12) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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 national policy guidance considered:

PPW Technical Advice Note 12 - Design

PPW Technical Advice Note 18 - Transport

Welsh Government: Houses in Multiple Occupation - Practice Guidance.

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

Full planning permission is sought for the change of use of the application property from a residential dwelling (Use Class C3) to a 4-bedroom house in multiple occupation (Use Class C4). This would provide living accommodation for up to 4 individuals to live together independently with shared basic facilities. It should also be noted that separate Building Regulations approval and a HMO Licence from the Council's Public Health and Protection Department would be required for use of the property as per the proposal.

The application property is located within the settlement boundary and within an established residential area of Treherbert, Treorchy. The property is located within easy walking distance of public transport and local amenities and as such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

It is noted that national planning policy details that the use of a property as a HMO could contribute to a change in the character of the surrounding neighbourhood. This is especially likely if the use of significant numbers of other dwellings in the area have

been subject to similar conversions, leading to an over concentration of HMOs. The Welsh Government's Practice Guidance on HMOs acknowledges that over-concentrations in particular areas can lead to a loss of social cohesion, with higher levels of transient residents and fewer long-term households and established families, leading in the long term to a community, which is no longer balanced and self-sustaining. Other consequences of over-concentrations include increased house prices and competition from landlords with a reduction in the number of family homes; increased litter, refuse and fly-tipping; disrepair; and on-street parking problems, amongst other issues.

With the above in mind, to secure mixed balanced communities, the Council has sought to limit HMOs to a certain percentage of all dwellings within specific areas. Supplementary Planning Guidance: Houses in Multiple Occupation includes a policy to limit HMOs in a 50m radius from an application site to 10%, other than in the Treforest ward where a limit of 20% is applied due to the high student population in that area. The SPG also seeks to restrict clusters of three or more HMOs adjacent to one another, the 'sandwiching' of traditional residential dwellings between HMOs, and details relevant standards a HMO should comply with in order to ensure its occupiers have an appropriate standard of living. In this instance, a review of the Council's list of registered HMOs reveals that there are no other HMOs within a 50m radius of the application site, and therefore, on the basis of the Council's records, there is no evidence to suggest that the granting of this planning application would lead to an over-concentration of HMOs in the locality or would be directly harmful to the social cohesion of the neighbourhood.

Further, turning to particular issues associated with HMOs, such as persistent anti-social behaviour, it is considered that these issues are able to be satisfactorily controlled by the Council's separate HMO licensing regime and the behaviour of occupiers of HMOs in other areas has no bearing on the behaviour of potential future occupiers of this property. Finally, whilst acknowledging other concerns that are commonly raised with HMOs such as waste and other visual blight, there is ample space within the side courtyard area for the storage of refuse bins.

Taking the above into account, while the concerns of the objectors are noted, the principle of the proposal to convert the existing dwelling to a HMO is considered acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The proposal does not include any alterations to the external appearance of the property, nor does it involve any construction work to increase the footprint. Consequently, the proposal would not have any impact upon the character and appearance of the application property or the wider area. The application is therefore considered acceptable in this regard.

Impact on residential amenity and privacy

The proposed conversion would not involve any extensions or physical alterations to the external appearance of the property. As such, it is not considered the change of use would result in any physical detriment to the nearest residential properties.

Whilst it is noted that the use of the property as a HMO for up to 4 individuals would result in the intensification of the use of the property, which is likely to result in some additional noise and disturbance, it is not considered that this would be to such an extent that it would be significantly above that which could occur if the dwelling was to remain as a single household. Furthermore, the application property is located on the main road through the village where it is considered a degree of noise and disturbance already occurs.

As such, it is not considered that the use of the property as a HMO would result in an unacceptable impact upon the residents of surrounding properties and the application complies with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Highway Safety

The Council's Highways and Transportation Section were notified during the consultation process in order to assess the impact of the development upon highway safety and parking provision. The response received is summarised below:

Access

Primary access is proposed via Baglan Street (A4061) where there are parking restrictions fronting the property in the form of a controlled crossing facility preventing on-street car parking on both sides of the carriageway.

Opposite the property is a small Council owned car park which is in high demand by existing residents.

Mary Street to the north-east of the property has on-street car parking taking place on both sides due to there being no parking restrictions on that stretch.

Parking

The submitted information indicates 3 bedrooms in the existing dwelling. In accordance with the Council's SPG governing off-street parking requirements, a 3+ bedroom dwelling within Parking Zone 3 has an off-street parking requirement of 3 spaces. There are currently no off-street parking spaces serving the dwelling, resulting in a shortfall of 3 spaces.

House conversions to HMOs have a requirement of 1 space per bedroom (maximum requirement of 3 spaces). As such, the proposed 4 no. bedroom HMO would have a total requirement of 4 spaces.

The proposed increases the off-street car parking demand from 3 to 4 spaces with none provided. However, the Council's adopted SPG advises that consideration will be given to the fact that residents of HMOs often have lower car ownership than other types of households. There are also numerous local amenities and public transport provision available within easy walking distance placing less reliance on the private motor vehicle as the primary mode of transport. As such, on-street demand would be similar to that of a private 3-bedroom residential dwelling.

Conclusion

The proposed HMO is located within easy walking distance of public transport and local amenities placing less reliance on the private motor vehicle as the primary mode of transport. In addition, it is not anticipated that the proposed 4 bedroom HMO would generate additional vehicular movements and on-street car parking to that of the existing 4 private dwelling given the small scale increase of 1 space. It is therefore considered the proposal is acceptable in highway safety terms.

Public Health and Protection

Members are advised that Public Health and Protection section have confirmed that the layout meets the required, separate licence standards and that they have no objection to the proposed layout of the HMO and the level and size of the accommodation proposed within it, this was also a concern of the objectors. It was noted however that should permission be granted, there will be ancillary issues that will need to be considered as part of the separate licensing process.

Public Health and Protection also suggested a number of conditions in relation to construction hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to construction can be more efficiently controlled by other legislation and the suggested conditions are not necessary. An appropriate informative note is considered to be sufficient in this instance.

Drainage

Both the Council's Flood Risk Section and Dwr Cymru Welsh Water raised no objection to the proposal, but requested conditions be attached to any consent with regard to surface water drainage. However, in this instance the proposal would see no increase in the external footprint of the property or any works that would impact upon the current drainage arrangements. As such, it is considered that such conditions would be unreasonable and unnecessary.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The proposal is in keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW 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 completed in accordance with the approved drawings and documents:

- Site Plan with Boundaries
- Block Plan
- Ground Floor Proposed
- First Floor Proposed
- Elevation Proposed Front
- Rear Proposed Elevation
- Side Proposed Elevation

and details and documents received on 15th April 2024 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. The property shall be occupied as a permanent residence by no more than four (4) unrelated individuals to ensure that it is operated within the scope of Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interest of clarity and to clearly define the scope of the permission.

