

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:24/0373/10 –
CHANGE OF USE FROM A C3 DWELLING
HOUSE TO A C4 HMO (4 BEDROOMS)
(AMENDED PLANS AND DESCRIPTION
RECEIVED 13/05/2024). 28 BRYNHYFRYD
STREET, CLYDACH, TONYPANDY, CF40
2DZ**

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 property is substandard for use as a 4 bedroom house in multiple occupation.

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 of a residential dwelling (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).

It is considered that HMOs have a key role to play in meeting housing need within the social rented sector and that the proposal would assist in providing alternate accommodation within the village for residents that cannot afford properties of their own. However, it is also acknowledged that the occupation of a house by multiple individuals can result in the intensification of its traditional residential use and that such an intensification could result in having negative impacts upon future occupants, their neighbours, and the local community.

In this case, the scheme relates to an existing building that is currently in residential use. The application site is located within the settlement limits of Clydach Vale, in a predominantly residential area of the village. It is also within a sustainable location with good access to local services and facilities, which is considered acceptable. Furthermore, the application complies with the relevant policies of the Council's Houses in Multiple Occupation Supplementary Planning Guidance (SPG). Therefore, the proposed residential use is considered acceptable, in principle, at this location.

The proposal would not involve external alterations and would therefore have no impact upon the character and appearance of the application property.

With limited alterations and an occupation of up to six individuals, it is not considered the scheme would result in a considerable intensification use, or a significant impact upon the amenity and privacy of surrounding properties. Nor would it have any undue impact upon highway safety in the vicinity of the site.

In addition, from the 1st April 2019 all HMOs in the County Borough are required to be licensed under the Additional Licensing (Houses in Multiple Occupation) Scheme 2019. Consultation with the Public Health and Protection Team has confirmed that the development would comply with all relevant 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 6 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 and a lack of shared facilities; and that the Local Planning Authority should aspire to provide good quality accommodation for future occupants.

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 reason for refusal would be appropriate:

1. The proposal represents an inappropriate conversion and is considered overdevelopment of the site, resulting in an unacceptable intensification of use and 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.

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: 24/0373/10 (JE)
APPLICANT: MAINTY Group Consulting LTD
DEVELOPMENT: Change of use from a C3 dwelling house to a C4 HMO (4 bedrooms) (Amended plans and description received 13/05/2024)
LOCATION: 28 BRYNHYFRYD STREET, CLYDACH, TONYPANDY, CF40 2DZ
DATE REGISTERED: 15/04/2024
ELECTORAL DIVISION: Cwm Clydach

RECOMMENDATION: APPROVE

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.

REASON APPLICATION REPORTED TO COMMITTEE

- More than three objections have been received.
- A request has been received from Councillor Mark Norris for the matter to come to Committee so Members can consider the full scope of the proposal.

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 – up to 6 individuals) at 28 Brynhyfyrd Street, Clydach Vale.

The conversion would be undertaken through a number of internal alterations only with no external works to the property required or proposed. The resulting House in Multiple Occupation (HMO) would accommodate living space, kitchen, utility, shower room and entrance hallway at ground floor level; and four bedrooms and a shower room at first floor level. The garden area to the rear of the property would be retained for use as an amenity space.

No off-street parking provision is proposed. Primary access would be gained off Brynhyfryd Street to the front.

SITE APPRAISAL

The application property is a traditional two storey, mid-terrace dwelling located within a residential area of Clydach Vale. The property directly fronts the highway at Brynhyfryd Street and benefits from an enclosed amenity space to the rear which is bounded on both sides by the rear garden areas of the adjoining properties and to the rear by an access lane. Due to the nature of the area which slopes from north to south, the level of the rear garden increases away from the property.

The surrounding area is residential in nature and characterised by traditional terraced dwellings of a similar scale and design.

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 notices displayed at the site.

14no. letters of objection have been received from local residents following consultation. The objections are summarised below:

- I understand there's a shortage of housing but letting greedy landlords change houses to HMO for the extra rent isn't the solution.
- Lack of parking and increased number of occupiers will exacerbate existing parking issues in the area.
- HMO will bring stress to existing residents and will impact upon their quality of life.
- I previously lived in an area with HMO's and the crime and drug use spiralled out of control.
- A property within the street (No.5) changed to an HMO in the past and had to be reverted back to traditional residential use as it was not compatible and caused many issues and disruption to residents. This demonstrates that such a use is not right for the area.

- An HMO would disrupt and undermine a very good community.
- The road would become noisy and filled with people who come and go at all hours with little regard for their neighbours.
- This HMO is not in the best interests of the street. The HMO will have a detrimental effect on the immediate neighbourhood and on the amenity of neighbours living there, thus changing the street's character completely.
- At present this is a very well cared for and safe community that does not need to be disturbed by the kind of people who frequent HMO's.
- The dwelling is going to be used to house migrants and/or ex-offenders which is not considered acceptable.
- Environmental impact of the property.
- The existing occupiers of Brynhyfryd Street are a mixture of elderly people and young couples with families. As this will be a permanent let, it simply is not suitable.
- Overdevelopment of the area.
- Will result in poor quality living accommodation for future occupiers.
- No demonstrated need for this kind of accommodation in this area.
- Increased vehicle movements would impact upon highway safety of residents.
- Loss of family house - by converting the property from a C3 to C4 it diminishes the potential to make this a family home, in what is one of few remaining real affordable areas in the locality.
- Property is not close to a train station and the local bus route is not frequent which requires users to be car dependant.
- With separate occupants residing at the address this increases the risk of noise pollution and even potential anti-social behaviour in the area.
- If approval is granted to this application, I feel Rhondda Cynon Taf County Borough Council will be failing this community.

CONSULTATION

Transportation Section: No objection.

Public Health and Protection: No objection 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.

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 Clydach Vale but is not allocated for any specific purpose.

Policy CS1 – sets out the criteria for new development in the Northern Strategy Area.

Policy AW1 – sets out the criteria for new housing development.

Policy AW2 – supports development 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 – does not permit development which would adversely impact upon the amenity of neighbouring occupiers.

Policy NSA12 – supports development within and adjacent to the settlement boundary in the Northern Strategy Area.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking
- Houses in Multiple Occupations (HMOs)
- Licensing of Houses in Multiple Occupation (HMO): A Landlord's Guide to Standards in HMOs 2019

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 all 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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other national policy guidance considered:

PPW Technical Advice Note 2 - Planning and Affordable Housing

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 dwelling to a 4no. bedroom HMO, that could be occupied by up to 6 no. individuals living together independently with shared basic facilities.

The property is located within settlement limits and an established residential area of the village. Additionally, it is located within easy walking distance (100m) of public transport located on Clydach Road which will place less reliance on the private motor vehicle as the primary means of transport. As such the site is located within a sustainable location as defined in Policy AW2. Further, Policies CS1, AW1 and AW2 encourage residential development in such locations and seek to promote affordable housing. As such it is considered the proposal generally complies with these Policies.

It is noted that national planning policy details that the use of a property as an 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 the subject of 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 and 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 50m of the application site. 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.

With respect to the other general perceived issues associated with HMOs, a number of which have been raised by the objectors, it is evident that on-street car parking is at a premium along Brynhyfryd Street and the surrounding area and the level of car ownership associated with up to six separate occupiers has the potential to be higher than that which would be the case if the property was occupied by a single household. As such, with no off-street parking proposed, there is some concern with the potential impact upon highway safety in the vicinity of the site. However, there is no evidence to suggest an HMO occupied by up to six residents would result in more vehicles parking

on-street in comparison to that which could currently occur through the properties permitted use as a domestic dwelling.

Turning to particular issues such as persistent anti-social behaviour and irresponsible landlords, it is considered 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, unsightly fly tipping or other visual blight, there is ample space within the rear garden for the storage of refuse bins.

It is consequently considered the general occupation of the property as a small HMO would not conflict with surrounding land uses and is acceptable. As such, the principle of the proposal to convert the existing dwelling to a Class C4 HMO is acceptable, subject to an assessment of the criteria set out below.

Standard of living accommodation

Paragraph 6.1.2 of the SPG for Houses in Multiple Occupation clarifies that all applications for new and changes of use to HMO should aim to comply with specific standards outlined in the SPG for the Development of Flats. Specifically, the following are identified:

- A high standard of internal layout.
- Habitable rooms should have natural light, ventilation or a reasonable outlook.
- First floor occupants should have access to a rear garden or other external space for amenity, drying, bin storage and cycle storage.

Although the residents of HMOs tend to be more transient, given the temporary nature of the accommodation, this may not be applicable to all residents, since there is a general shortage of affordable housing and the circumstances of individuals will differ. Therefore, it is considered that the accommodation should still be expected to be of a high quality.

The SPG for the Development of Flats advises that flats are unlikely to be acceptable where they are located where habitable rooms would only have roof light windows and that the Council will resist proposals that would create poor quality living accommodation.

In the case of this application all the proposed bedrooms and habitable rooms are considered to be of an ample scale and the facilities sufficient for a maximum of six individuals. In addition, the rear garden would provide amenity space accessible for all occupiers of the HMO.

Therefore, in light of the foregoing, it is considered that the quality of the accommodation being proposed by the development would be acceptable for the proposed use.

Impact on the character and appearance of the area

The proposal does not include any alterations to the external appearance of the property. Consequently, the change of use would not have any impact on the character and appearance of the application property or the wider area.

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.

It is noted that the use of the property as a HMO for up to 6 individuals would result in the intensification of use of the property, which is likely to result in some additional noise and disturbance. However, given the residential use, it is not considered any additional disturbance 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.

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 would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Highway Safety

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

Access

Primary access to the property is located on Brynhyfryd Street which has a carriageway width of 7.3-7.6m with no parking restrictions and on-street car parking available on both sides of the carriageway. There is considerable demand for on-street car parking within the vicinity of the site due to the terraced residential dwellings having limited or no off-street car parking facilities.

To the rear of the property is a single width adopted access lane which is acceptable for secondary rear access only. No off-street car parking provision has been proposed due to the narrow constraints and topography of the rear terraced garden.

Parking - SPGs Access, Circulation and Parking & HMO

The existing 4 bedroom dwelling requires up-to a maximum of 3 off-street car parking spaces with none provided. Conversion to a 4-bedroom HMO (C4) requires up-to a maximum of 4 off-street car parking spaces for residents with none provided.

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. As such, residents of HMO's are less likely to own cars than other households.

Notwithstanding the above there is concern that the proposed does not provide for any off-street car parking facilities. However, taking into account residents of HMO are less likely to own a motor vehicle and the previous use of the property as a C3 dwelling with no off-street car parking, it is not anticipated that the proposed would increase car parking demand over and above that which already occurs.

Conclusion

It is not anticipated that the proposed HMO would generate additional on-street car parking pressure compared to the existing 4 bed (C3) residential dwelling with residents of HMO's less likely to own a private motor vehicle. On this basis no highway objection is been raised.

Public Health and Protection

Members are advised that Public Health and Protection (PHP) have confirmed that the HMO layout meets the required, separate licencing standards. PHP therefore raise no objection in respect of the proposed layout of the HMO or to the level and size of the accommodation proposed within. However, should permission be granted, there will be ancillary issues that will need to be considered as part of the separate licensing process.

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

Drainage

Whilst Welsh Water raised no objection to the proposal, they requested a condition 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 a condition would be unreasonable.

Other points raised by the objectors

The nature of future occupiers was raised within the objector's comments. These matters do not form material planning considerations and cannot be taken into account during the consideration of this application.

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 carried out in accordance with the approved plans:

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

and documents received by the Local Planning Authority 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 six 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.

4. To promote sustainable modes of transport with less reliance on the private motor vehicle, prior to beneficial occupation, 4no. secure cycle stands shall be provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The cycle stands shall remain thereafter for the use of residents.

Reason: In the interests of highway safety, to promote sustainable modes of transport in accordance with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.