

PLANNING & DEVELOPMENT COMMITTEE

20 JUNE 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 24/0125/10 (KL)
APPLICANT: Mr Sood
DEVELOPMENT: Change of use from Residential dwelling (Use Class C3) to HMO (Use Class C4).
LOCATION: 1 MILL STREET, TRECYNON, ABERDARE, CF44 8NA
DATE REGISTERED: 11/03/2024
ELECTORAL DIVISION: Aberdare West and Llwydcoed

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

- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the change of use of no. 1 Mill Street, Trecynon from a residential dwelling (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4).

The conversion would be undertaken through a small number of internal alterations with no external works required or proposed. The resulting HMO would accommodate two bedrooms, a kitchen and 2 WCs at ground floor and four bedrooms, a living room and a bathroom at first floor.

Primary access would be gained off Mill Street to the front with a small courtyard being available for use by future residents to the rear.

No off-street car parking provision is proposed.

SITE APPRAISAL

The application site relates to an existing terraced property located at 1 Mill Street, Trecynon, Aberdare. The property is arranged over two floors however part of the ground floor is taken over by a chip shop. The chip shop is owned by the applicant and is not included in this application (i.e. it is to be retained).

The property directly addresses the road at Mill Street to the east with a private amenity space situated at the rear, which is bound by the rear gardens of adjoining and adjacent neighbouring properties.

It is understood that the property has previously been in use as a HMO however, it has most recently been used as a single residential dwelling.

The surrounding area is predominantly residential in character however, there are numerous commercial properties located in close proximity of the site.

PLANNING HISTORY

There are no planning applications on record for this property within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. A total of 13 letters of objection have been received with these being summarised as follows:

- Mill Street already has problems due to high levels of on-street car parking.
- The development could result in up to 6 new vehicles needing parking spaces on the street which will escalate existing problems with parking and congestion.
- There are already problems with the bus not being able to pull into the bus stop opposite the site and this then blocks the flow of traffic.
- There is no provision for any off-street car parking.
- Additional parking in the street will cause problems for people accessing the nearby pharmacy.
- The proposal would seriously compromise the quality of life and safety in our neighbourhood.
- The residents of this property have had negative impacts on the environment and community.
- The property has previously been used as a HMO and there has been a constant turnover of tenants.
- Whilst in the last 2 years, there have been groups of well-behaved tenants, there have previously been numerous incidents at the property that have resulted in police visits and raids.
- There have been issues with tenants taking drugs and causing disturbances, including fighting and arguing in the street early hours in the morning, loud music being played etc.
- A cannabis farm was found at the property.

- Previous residents have caused worry to existing residents due to their behaviour towards them.
- Issues with bins and the build up of rubbish at the property have been reported to the Council on a number of occasions.
- There have been rodent problems, along with a dreadful smell.
- There will be no more provision for waste disposal than the three-weekly bin and weekly recycling collections. The development will result in a strain on local resources and infrastructure.
- The increased population density resulting from the HMO is likely to deter potential customers from using neighbourhood establishments, leading to a significant reduction in foot traffic and revenue for local shops.
- The landlord is not a responsible one and does not vet the tenants before they move in, nor does he show any regard for the surrounding community.
- Consideration should be given to the responsibilities of the applicant in granting a HMO licence.
- The previous HMO licence was revoked in 2021.
- The applicant has not consulted with residents.
- It is understood that the property has been passed onto a property manager, however, residents have not been provided with any details.
- The proposal will have a negative impact on surrounding house prices.
- The property is not suitable for multiple occupation with limited washing and cooking facilities.

CONSULTATION

Highways and Transportation: No objection, subject to a condition for the provision of 6 no. secure cycle stands.

Public Health: No objection

Welsh Water: No objection, standard 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 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.

Policy CS1 (Development in the North): 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 (Supply of New Housing): sets out the criteria for new housing proposals.

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

Policy NSA12 (Housing Development Within and Adjacent to Settlement Boundaries): permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

Policy NSA18 (The Retail Hierarchy): identifies the site as being with the Local and Neighbourhood Centre of Trecynon.

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking
Houses in multiple Occupation (HMO's)

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) was issued on 7th February 2024 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 policy guidance consulted:

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 6-bedroom house in multiple occupation (Use Class C4). This would provide living accommodation for up to 6 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.

The application property is located within the settlement boundary and within an established residential area of Trecynon, Aberdare. The property is located within the retail centre of Trecynon, which is designated as a Local and Neighbourhood Centre under Policy NSA18, and in which a number of shops and other services are located. Furthermore, there are a number of bus stops located within close proximity of the site with Cemetery Road to the south being a main bus route providing services up

and down the Cynon valley. 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, or by the police. Issues relating to bins and other environmental health issues are also matters that are controlled by separate environmental health legislation. Indeed, the behaviour of occupiers of HMOs, either in the case of the previous use of this property, or in terms of other 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 both the rear garden 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.

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.

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 6 individuals would result in the intensification of the use of the property, which is likely to result in some additional noise and disturbance as a result of its general use, 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 a busy road through the village where it is considered a degree of noise and disturbance already occurs.

As such, while the comments raised by the objectors are acknowledged, 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.

Access and Highway Safety

The application has been assessed by the Council's Highways and Transportation section and no objection has been received. The comments received note that the application property has previously been licenced and occupied as a 6-bedroom HMO.

Primary access to the proposed HMO is located on Mill Street with pedestrian access available, which is considered acceptable. It is noted that there is considerable demand for on-street car parking within the vicinity of the site due to the mixture of residential dwellings and retail/commercial units with limited or no off-street car parking facilities available.

The existing dwelling requires up to a maximum of 3 off-street car parking spaces with none provided. The proposed 6-bedroom HMO requires up to a maximum of 6 off-street car parking spaces with none provided. There is concern that the proposal does not provide for any off-street car parking facilities; however, it is noted that HMOs are needed to provide accommodation for low-income individuals or small households who would otherwise live in hostels or in overly large households, or would even be homeless and, as a result of this, residents of HMOs are less likely to own cars than other households. As such, taking into account residents of HMOs are less likely to own a motor vehicle and that the property has previously been in use as a HMO and a residential dwelling with no off-street car parking, it is not anticipated that the proposal would increase parking demand to that which already exists.

Furthermore, the site is located within easy walking distance of a number of local facilities and public transport, which will place less reliance on the private motor vehicle as the primary means of transport. A condition is also recommended for the provision of secure cycle storage for residents.

On the basis of the comments received from the Council's Highways Officer, the proposal is considered acceptable in highway safety terms.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Public Health and Protection

The Council's Public Health and Protection team have confirmed that the property has previously been used as a licenced HMO however, it has most recently been in use as a private dwelling. The comments received also confirm that the proposed scheme meets the separate HMO licencing standards in terms of the level of accommodation proposed (i.e. bedroom size, kitchen and bathroom facilities etc.). As such, they have no objection to the proposed layout of the HMO, or the level and size of the accommodation proposed within it.

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

Dwr Cymru Welsh Water raised no objection to the proposal, but 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 and unnecessary.

Other Points Raised by Objectors

Where the concerns raised by objectors are not addressed in the sections above, the following comments are offered:

It is noted that one objector raises concern that the increased population density resulting from the HMO is likely to deter potential customers from using neighbourhood establishments, leading to a significant reduction in foot traffic and revenue for local shops. No evidence has been provided to indicate that this would be the case. Furthermore, the HMO would accommodate up to 6 no. residents, which is not considered to be a significant increase in population density, particularly when taking into account that the property has previously been used as a HMO for 6 no. residents,

and that the property could be occupied by a single household with 6 or more family members.

The following matters are not material planning considerations and cannot be taken into account in the consideration of this application:

- Value of surrounding properties.
- The landlord's management of the HMO.
- The landlord's lack of consultation with residents, or the lack of details provided by the landlord in respect of the property management company.

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: Approve

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 and documents received by the Local Planning Authority on 15 February 2024 and 11 March 2024, unless otherwise to be approved and superseded by details required by any other condition attached to the consent.

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

3. Within 3 months of the date of this decision, details for the provision of 6no. secure cycle stands to be installed at the property shall be submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be installed as per the approved details and remain thereafter for the use of the residents of the 6no. HMO rooms.

Reason: To promote sustainable modes of transport, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.