

PLANNING & DEVELOPMENT COMMITTEE

5 APRIL 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0091/10 (GW)
APPLICANT: Mr Smart
DEVELOPMENT: Change of use from dwelling house (C3) to 7 bed House in Multiple Occupation.
LOCATION: DELFAN, NEW PARK TERRACE, TREFOREST, PONTYPRIDD, CF37 1TH
DATE REGISTERED: 16/02/2018
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Grant

REASONS: The dwelling is in an area of Treforest where the proportion of houses in use as a House in Multiple Occupation (HMO) is high. Planning permission has however previously been granted for a six bedroom HMO at this property and this can still be developed. Therefore there would be no increase in HMO's within the area.

Whilst there would be an additional bedroom, the dwelling is capable of conversion to an adequate standard and would have refuse storage space, cycle storage and some off-street parking. It is also situated in close proximity to public transport, shops and other facilities that significantly lower the need for use of private car.

There is currently no empirical evidence to support a view that the development would be harmful to the character, appearance and social cohesion of the locality and therefore on balance the development complies with Policy AW 5 of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee at the request of Councillor Powderhill to consider the consequences of the development for the character and appearance of the area where a significant number of dwellings are in use as houses in multiple occupation (HMOs).

APPLICATION DETAILS

Planning permission was previously granted to convert the existing dwelling to a six bedroom 'House in Multiple Occupation' (HMO) – Reference 16/0208/10. This application proposes an additional bedroom to make a seven bedroom HMO.

Following recent legislation changes HMOs for between 3 and 6 people is within its own use class (C4). A 7 bedroom HMO would however be 'Suis Generis' i.e. outside any specific use class.

The plans detail the changes from the existing permission include: an additional bedroom would be provided in the roof space (a loft conversion); the first floor bathroom would be split and this would provide a separate toilet and toilet/shower room; bedroom 6, on the first floor, would be decreased in size and a further toilet/shower room would be provided and a new window has been provided for this on the side elevation of the building.

The existing four bedrooms on the first floor would be retained (bedroom 6 would be smaller as detailed above). The ground floor study and dining room would be converted to two bedrooms and the kitchen and sitting room would be retained.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The property is a semi-detached dwelling located on New Park Terrace in Treforest and is at a higher level to the pavement. It is sited in the middle of a row of similar larger type houses as compared to the surroundings. The area is however mainly characterised by traditional terraced dwellings. Access to the rear of the property can be obtained via an unmade lane from Collins Terrace. A gate provides access to a hard surfaced area at the rear. At the time of the site visit a car was parked in this area. It was noted that other dwellings had parking areas and garages served off this rear lane.

The University of South Wales is located to the south west of the property and can be accessed via an access on Brook Street or from Llantwit Road approximately 180-200m from Delfan. The property is also located approximately 250m from the Railway Station and 500m from the retail centre of Treforest.

PLANNING HISTORY

App No.	Site Location	Proposal	Decision	Decision Date
17/0817/38	Delfan, New Park Terrace, Treforest	Discharge of Conditions 3 - Parking layout and Condition 4 - Bike Storage of planning permission 16/0208/10.	Granted	11/09/2017
16/0208/10	“ “	Change of use to HMO	Granted	26/04/2016

PUBLICITY

The amended application has been advertised via direct neighbour notification and site notice. Two objections have been received at the time of writing this report. The contents of those objections are summarised below:

- Treforest has lost a great deal of family homes due to the oversupply of HMOs. This has resulted in lost council tax and a sense of 'Community'
- There are too many empty student accommodations in Treforest.
- The lane to the rear, for parking, cannot accommodate additional traffic.
- Many businesses are suffering.
- These applications will be detrimental to our quality of life.

CONSULTATION

Dŵr Cymru/Welsh Water – No objection subject to a condition requiring no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Public Health and Protection – No objection subject to conditions on hours, noise, dust and waste.

South Wales Police – No objection and recommendations are given with regard the provision of security measures.

Transportation Section – No objection subject to conditions to retain parking and provide cycle parking.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS 2 – sets out criteria for achieving sustainable growth including promoting development that would not unacceptably conflict with surrounding uses.

Policy AW 2 – advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW 5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW 6 – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Development of Flats – Conversion and New Build

Draft Supplementary Planning Guidance

Houses in Multiple Occupation (HMOs)

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 Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 18: Transport; Manual for Streets; and Welsh Government: Houses in Multiple Occupation – Practice Guidance (February 2016).

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 Issue:

It is recognised that the prevalence of HMOs in the vicinity of the application site has arguably changed the social character of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to a community which is no longer balanced and self-sustaining.

To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. RCT has recently produced 'Draft Supplementary Planning Guidance' on HMOs which is currently undergoing a consultation process until 23rd March 2018. This includes policies to limit HMOs, within the Treforest Ward, in a 50m radius from the application site to 20%. It also restricts clusters of three or more HMOs adjacent to each other.

In assessing this proposal there are 18 of 34 properties in the 50m area around the property that are licensed HMOs (53%). In terms of clustering one of the adjacent properties is a licensed HMO. However, the application property already benefits from planning permission, which has been previously granted, to convert the dwelling to a six bedroom HMO (16/0208/10). As such, if this application is refused,

it would not prevent the property becoming a HMO and the number within the area would not change. Therefore the crux of the argument, in the determination of this application, is whether 7 bedrooms are acceptable as opposed to 6.

The Welsh Government's *'Houses in Multiple Occupation: Practice Guidance'* (February 2016) and RCT's Draft Supplementary Planning Guidance on HMOs acknowledges that HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. It is also recognised that local businesses within the Treforest and surrounding area are being supported by the student population. However, the same practice guidance recognises that in areas where the proportion of properties in use as HMOs is high then particular issues can arise.

In relation to the above, it is considered there is no empirical evidence to afford weight to the view that the application proposal, in isolation, would be directly harmful to the social cohesion of the area, having regard to the existing profile of the community and the existing planning permission (16/0208/10) to convert the property to a HMO. Furthermore, whilst an objector has detailed that business in the local area are suffering no evidence to support this has been submitted. With regard the 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 HMOs licensing regimes. Whilst acknowledging other concerns that are commonly raised with HMOs applications such as waste, unsightly fly tipping or other visual blight there is ample space within the garden areas for the storage of refuse bins.

The level of car ownership associated with 7 separate occupiers has the potential to be higher than would be the case if the dwelling was occupied by a single household, which could be a concern in view of the limited off-street parking and the high demand placed on-street parking experienced in neighbouring streets. However Members are advised that previously planning permission has been granted for a 6 bedroom HMO (16/0208/10) at the site. Some off road parking is available to the rear of the property and it is also proposed to provide some secure cycle parking. In addition the application property is situated in reasonable walking distance to public transport services, shops and facilities. Therefore on balance it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or pedestrians. Accordingly the application has attracted no objection from the Transportation Section.

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 Comments

With regard to the issues raised by the Public Health and Protection Section it is considered these matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning the issues.

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

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, parking and highway safety and the impact on the character and appearance of the area. (Policies AW 2, AW 5 and AW 6).

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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 plan(s) no(s)
 - Dwg. No. P03 Location and Block Plan received on 30th January 2018
 - Dwg. No. P05 Proposed Site Layout, Floor Plans and Elevations received on 19th March 2018

and documents received by the Local Planning Authority on 30th January 2018, 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 hard-standing area to the rear of the property shall be retained for the parking of vehicles only as identified on Dwg. no. P05 Proposed Ground Floor Plan received on the 19th March 2018.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. The secure cycle storage, detailed on Dwg. no. P05 Proposed Ground Floor Plan received on the 19th March 2018, shall be provided prior to occupation of the HMO. The cycle storage facilities shall be retained for the secure storage of cycles thereafter.

Reason: To provide secure cycle storage and encourage the use of a non-vehicle mode of transport in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

5. The refuse storage area, detailed on Dwg. no. P05 Proposed Ground Floor Plan received on the 19th March 2018, shall be provided prior to occupation of the HMO. The refuse storage facilities shall be retained for these purposes thereafter.

Reason: In the interest of residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The first floor window on the side elevation serving shower room 3 shall be glazed with obscure glass to a minimum Pilkington Glass Privacy Level 3 or industry equivalent and non opening as detailed on Dwg. no. P05 Proposed Ground Floor Plan received on the 19th March 2018. The window shall be retained and maintained as such in perpetuity.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.