



PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/1201/10 – CHANGE OF USE OF DWELLING HOUSE (CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (CLASS C4), 53 KINGSLAND TERRACE, TREFOREST, PONTYPRIDD

1. PURPOSE OF REPORT

Members are asked to consider the determination of the application the subject of this report.

2. RECOMMENDATION

That members approve the application in accordance with the advice given.

3. BACKGROUND

This application was reported to the meeting of the Planning and Development Committee held on 4th January 2018 with a recommendation that it be approved. A copy of the original report is attached as **APPENDIX A**. At that meeting members decided to defer determination for a site inspection which subsequently took place on 25th January 2018. The application was then reported back to a meeting of the Planning and Development Committee on 15th February 2018 and a copy of the report is attached as **APPENDIX B**. At that meeting Members were minded to refuse the application contrary to the recommendation of the Service Director Planning because they considered the dwelling to represent a disproportionate ratio of HMOs in accordance with the [then] draft SPG and to exacerbate the over-concentration of HMOs in Treforest which would impact on the character of the area. Consequently, determination of the application was deferred for a further report from the Service Director Planning, if necessary in consultation with the Director of Legal and Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation prior to determination.

In respect of the concerns expressed by Members at their meeting of 15th February 2018 the following comments are offered.

This application seeks planning permission to change the use of a C3 residential dwelling into a 3 bedroom HMO. As the property is to be occupied by 3 persons such a use would be considered to fall into Use Class C4 which allows for tenanted living accommodation occupied by 3 to 6 people, who are not related and who share one or more basic amenities, as their only or main residence. As noted in the report attached as Appendix A the main issue for this application is the impact the change of use of a C3 residential dwelling into a HMO will have on the character of the area and the surrounding neighbouring properties.

The Council's Supplementary Planning Guidance on HMOs (published since the preparation of the report at **APPENDIX A** and subsequently adopted by the Council on the 18th May 2018) aims to provide background information on, and provide a rationale for how the Council assess applications for planning permission to create new Class C4 and *Sui Generis* HMOs. It aims to identify the threshold at which it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community. It is recognised that HMOs can provide an important source of housing, and it is recognised that demographic changes and expansion of tertiary education have driven many of the changes that has seen traditional family homes become HMOs. HMOs are popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.

However, in spite of the above, concentrations of HMOs, clustered in small geographical areas, such as Treforest, can detract from the character of the area and actively contribute towards a number of perceived problems, including, but not limited to, those listed below.

- Increased population density, leading to greater demand for infrastructure, such as waste collections and on-street parking.
- Higher proportion of transient residents, potentially leading to less community cohesion, undermining existing community facilities.
- Areas of higher HMO concentrations becoming less popular with local residents, with many properties taken out of the owner-occupier market.
- A proliferation of properties vacant at certain points of the year.
- Subsequent impact on crime, local centre viability, as a result of the number of properties temporarily vacant for long periods.

Having identified some of the issues caused by HMOs it is necessary to determine the threshold at which new HMOs may cause harm to a local area. This threshold will resist further HMOs in communities that already have a concentration above this limit. The SPG on HMO development proposes that a two-tier threshold will be applied when an area has reached the point at which further HMOs would cause harm. In Treforest the figure of 20% is to be applied and in all other wards in RCT the figure of 10% is to be applied. This means that within Treforest, if more than 20% of the dwellings within a 50m radius of the proposed HMO are already established HMOs (i.e. either C4 or *Sui Generis* in planning terms) then this development would be considered unacceptable.

As noted in the report attached as Appendix A, looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that a number of houses in its vicinity already are in use as HMOs. Of the total of 34 houses within a 50 metre radius of 53 Kingsland Terrace 15 (45%) are licensed by the Council as HMOs and of the 62 houses in the whole of Kingsland Terrace 25 (40%) are licensed HMOs. On this evidence over nearly half of dwellings in the vicinity of 53 Kingsland Terrace are in use as HMOs.

It is recognised at both national and community level that areas of significant numbers of HMOs and transient populations have a substantially different character compared with settled populations. Within RCT the concerns relating to high numbers and high concentrations of HMOs are almost solely associated with the Treforest ward. Treforest accounts for 94% of the HMOs in the County Borough and for 32% of all households within the Ward. When compared to the average of 1.3% of HMOs in Wards across RCT and the national average of 2.8%, there is clearly an issue with overconcentration within Treforest.

Although demographic changes occur irrespective of the level of HMO concentration, it is useful in identifying the notable characteristics of Treforest being an area with a significant number of HMOs. The 2011 Census reveals the following statistics:

- Household compositions containing 2 or more adults with no children account for 52% in Treforest whilst the average across all of Rhondda Cynon Taf is 26%.
- The private rented sector accounts for 44% of households in Treforest compared to 12% for the County Borough.
- Only 8% of people in Treforest are aged 0-15. The County Borough average is 19%.
- 60% of people residing in Treforest are aged 16-29 whereas the County Borough average is 18%.
- It has one of the lowest proportions of home ownership in the County Borough, with 44% of households either owning their property outright or with a mortgage. This compares to a Rhondda Cynon Taf average of 71%. 25 years ago, 77% of households living in Treforest owned their homes.
- 12 units of a total of 53 retail premises, (21%), in the retail centre of Treforest are either takeaways or have elements of takeaways within them. This is again higher than other centres in Rhondda Cynon Taf.

It is therefore clear that the number of HMOs within Treforest is significantly disproportionate to the rest of Rhondda Cynon Taf. It is recognised that there

is a justifiable concern of how these demographic changes have changed and are continuing to change, the community of Treforest. Transient occupation can lead to a lack of community integration and cohesion and less commitment to maintain the quality of the local environment. This can have the effect of reinforcing the area as a 'student' community and making it less popular for families. Therefore, it is considered that there is weight to the concerns expressed by Members that the proposed change of use of the application property from a residential dwelling to a HMO arguably will adversely affect the character of the area by contributing to a higher number of transient residents leading towards less community cohesion and undermining the objectives of securing a sustainable mixed use community, contrary to national and local planning policies and the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (2018).

If after further consideration members are minded to refuse the application then the following reason is suggested which reflects their concerns:

'The proposal will further exacerbate the unacceptable cumulative adverse impact on the character and amenities of the area as a consequence of a higher number of transient residents leading towards less community cohesion and undermining the objectives of securing a sustainable mixed use community, contrary to Policies CS2 and AW5 of the Rhondda Cynon Taf Local Development Plan and the Houses in Multiple Occupation (HMO) Supplementary Planning Guidance (2018).'

APPLICATION NO: 17/1201/10 (PB)
APPLICANT: Ms Molly Lai
DEVELOPMENT: Change of use of dwelling house (Class C3) to HMO (Class C4).
LOCATION: 53 KINGSLAND TERRACE, TREFOREST, PONTYPRIDD, CF37 1RX
DATE REGISTERED: 29/11/2017
ELECTORAL DIVISION: Treforest

RECOMMENDATION: APPROVE

REASONS FOR RECOMMENDATION: The dwelling is situated in an area of Treforest where the proportion of house in use as HMOs is about the average figure typically found elsewhere in Treforest. There are local concerns that the development will exacerbate over-concentration of HMOs in Treforest and its various attendant issues. The dwelling is capable of conversion to an adequate standard and has ample refuse storage though parking space accessible by car cannot be provided. Empirical evidence to support a view that the development is harmful to the character, appearance and social cohesion of the locality is currently lacking, therefore on balance the development does not conflict with Policy AW5 of the LDP.

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 and dwellings are in use as houses in multiple occupation.

APPLICATION DETAILS

Full planning permission is sought for the conversion of a dwelling house (Use Class C3) into a 4 bed house in multiple occupation (Class C4) at 53 Kingsland Terrace, Treforest. The application will not involve any physical changes to either the interior or exterior of the building. The HMO accommodation will comprise 1 bedroom and a communal kitchen, lounge and bathroom facilities on the ground floor, and 3 bedrooms on the first floor.

SITE APPRAISAL

The application property is a middle of terrace house, with a modest rear garden and there is a rear service lane though it is un-mettled and not suitable for use by vehicular traffic therefore appears seldom used. The application property is situated in a primarily residential area of Treforest, which is a ward where a significant

number of residential dwellings are in use as HMO's, predominantly occupied by students of the University of South Wales, Treforest campus.

PLANNING HISTORY

None.

PUBLICITY

Neighbouring properties have been notified of the application and site notices displayed.

No public response has been forthcoming.

CONSULTATION

Transportation Section - no objection.

Public Health & Protection - reply awaited.

Dwr Cymru/Welsh Water - no adverse comment.

Wales & West Utilities - indicates the position of its gas supply and distribution apparatus in proximity to the application property.

Western Power Distribution Ltd - applicant will need to make sure the development does not affect any electricity supply cables in the locality and will need to apply for any new connection or service diversion to WPD Ltd.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application property is situated within the settlement boundary of Treforest and is unallocated.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting development that would not unacceptably conflict with surrounding uses.

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 place making, including landscaping.

Supplementary Planning Guidance (SPG)

- Access Circulation and Parking
- Design and Placemaking
- Development of Flats – Conversion and New Build.

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 8 (Transport), Chapter 9 (Housing), set 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

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 Issues:

The application property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as a single dwelling house in Class C3 to a house in multiple occupation (HMO) in Class C4 in principle does not conflict with development plan policy. Moreover, the Welsh Government's '*Houses in Multiple Occupation: Practice Guidance*' (February 2016) 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. However, the application property is situated in the Treforest ward which is a locality of Rhondda Cynon Taf where there is a significant concentration of HMOs. In recognition of this situation the Council operates an additional HMO licensing regime under the provisions of the Housing Act 2004. This additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

Looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that a number of houses in its vicinity already are in use as HMOs. Of the total of 34 houses within a 50 metre radius of 53 Kingsland Terrace 15 (45%) are licensed by the Council as HMOs and of the 62 houses in the whole of Kingsland Terrace 25 (40%) are licensed HMOs. On this evidence over nearly half of dwellings in the vicinity of 53 Kingsland Terrace are in use as HMOs. In streets closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is around one-third of dwellings, reaching as high as two-thirds in some streets. The proportion of houses in use as HMOs in Kingsland Terrace is comparatively high and gives rise to particular local issues that are material to the consideration of this application proposal. These are discussed in detail below.

Firstly, the prevalence of HMOs in the vicinity of the application site, as evidenced in the figures above, is said to have harmed the social cohesion of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to community which is no longer balanced and self-sustaining. Indeed, there is anecdotal evidence that increasing 'studentification' of Treforest is providing encouragement to owner-occupier residents to sell in response to demand for properties from buy-to-let investors. Secondly, and as a consequence, access to the area for owner occupiers and first time buyers has become more difficult and less attractive because of increased house prices and competition from landlords, with a reduction in the number of family homes. Thirdly, the area is suffering a significant reduction in the quality of the local environment and street scene as a consequence of increased incidents of litter, refuse and fly tipping, increased levels of disrepair and proliferation of letting signs. Fourthly, the area is experiencing a significant change in character with evidence of increased numbers of hot food takeaways, discount food stores and of letting agencies.

Whilst there can be little doubt that residents of Treforest face the types of problems described above, determination of this application turns on the specific effects of the change of use of 53 Kingsland Terrace from C3 dwelling to a 4 bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building.

To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. Whilst it is accepted that there is a significant a number of HMOs within the vicinity of the application site, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal would, in itself, be harmful to the social cohesion of the area, having regard to the existing profile of the community. Moreover, it is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. In terms of parking congestion concerns, it is acknowledged that on-street parking is at a premium in Kingsland Terrace and that in the case of this application proposal the level of car ownership associated with 4 separate occupiers has the

potential to be higher than, for instance, a 3 bedroom property in C3 use. Moreover, whilst there is scope for off-street parking to be provided at the rear of the property due to the un-mettled condition of the rear lane it is highly unlikely a parking space would be accessible by car even if provided. In any event, given the site's proximity to public transport services, shops and facilities 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 using Kingsland Terrace. Accordingly the application has attracted no objection from the Transportation Section.

Whilst the concerns of about the effects of proliferation and over-concentration of HMOs in Treforest are fully acknowledged, each case must be considered on its own merits. On the basis of the above assessment it is concluded that firm evidence of the likelihood of specific harm to the character, appearance and social cohesion of Treforest capable of being attributed to the proposed conversion 53 Kingsland Terrace to a small HMO is lacking. Therefore, the proposal is recommended for approval.

Other 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 not liable for a charge under the CIL Regulations 2010 (as amended).

Conclusion

Taking all the above considerations into account it is considered, on balance, that the application proposal does not conflict with Policy AW5 and is therefore recommended for approval subject to the conditions below.

RECOMMENDATION: Grant

1. The development shall begin no later than five years from the date of this decision.

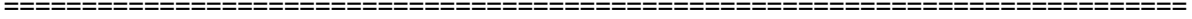
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plan:

- 53 Kingsland Terrace, Treforest – Location Plan.
- 53 Kingsland Terrace, Treforest - Proposed Ground & First Floor Layout Plans.

Reason: To ensure compliance with the approved plans so as to clearly

define the scope of the permission.



APPENDIX B

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE**

25th January 2018

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No. 6

**SITE MEETING – To consider the report
of the Service Director Planning in
respect of Application No: 17/1201.
Change of use of dwelling house (Class
C3) to HMO (Class C4) , 53 Kingsland
Terrace , Treforest, Pontypridd. CF37 1
RX**

Author: Ms C. Hendy – Democratic Services Officer

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.119 (5) (Planning and Development Committee, 4th January 2018), a site inspection was undertaken on Thursday 25th January 2018 to consider the impact of the development on the surrounding area
- 3.2 The meeting was attended by the Chair and Vice-Chair of the Planning and Development Committee (County Borough Councillors S. Rees and G. Caple respectively) and Committee Members - County Borough Councillors W. Owen, G. Hughes, P. Jarman and D.H. Williams

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors J. Bonetto, A. Davies- Jones, D. Grehan, S. Powell and J. Williams
- 3.3 Members met outside No.53 Kingsland Terrace, Treforest, a middle terraced dwelling with a small front garden.
- 3.4 Members were informed by the Development Control Officer that full planning permission is sought for the conversion of a dwelling house (Use Class C3) into a 4 bed house in multiple occupation (Class C4) at 53 Kingsland Terrace, Treforest.
- 3.5 The Development Control Office explained to Members that the application will not involve any physical changes to either the interior or exterior of the building. The HMO accommodation will comprise of 1 bedroom and a communal kitchen, lounge and bathroom facilities on ground floor, and 3 bedrooms on the first floor. The Development Control Officer explained that it is difficult to identify specific harm to the character, appearance and sustainability of Treforest arising from one approval of an one additional HMO. However, it should be noted that since February 2016 more than 20 planning applications have been submitted to the Council for the conversion of dwellings to HMOs and the overwhelming majority have been approved either by the Council or on appeal to the Welsh Government.
- 3.6 Members noted that there are a significant number of houses within Kingsland Terrace that are licensed HMOs many of which seemed to be occupied as student dwellings associated with the University of South Wales, Treforest Campus.
- 3.7 Members noted the concerns of the Local Member in respect of the higher levels of transient residents in the area, predominately students, and fewer long term households and established families leading to communities which are no longer sustainable and balanced.
- 3.8 Members felt strongly that there is a high priority need for the draft Supplementary Planning Guidance for HMOs to be brought forward as soon as possible so that planning applications can be considered and decided in accordance with it as quickly as possible.

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