



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 OCTOBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0877/10 (KL)  
**APPLICANT:** J R Board Ltd  
**DEVELOPMENT:** Change of use from a dwelling to H.M.O (re-submission).  
**LOCATION:** 109 NEWBRIDGE ROAD, LLANTRISANT,  
PONTYCLUN, CF72 8EY  
**DATE REGISTERED:** 12/08/2019  
**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION:** Approve

**REASONS:** The change of use of the property from a residential dwelling to a small HMO would not lead to an overconcentration of HMOs in the locality and it is not considered that it would result in a harmful impact to the social cohesion of the surrounding area. Further, whilst an intensification of use may occur at the property which could result in some additional impact upon the amenity standards currently enjoyed by surrounding residents, it is considered any additional impact would be minimal and not harmful enough to warrant the refusal of the application.

No physical alterations would be made to the external appearance of the building, nor would the footprint of the building be extended in any way. As such, the proposal would not impact upon the character and appearance of the surrounding area or upon the amenity and privacy of surrounding residents in this regard.

Furthermore, whilst there is some concern in respect of the lack of off-street parking at the site, the Council's Highways and Transportation Section have not raised any objection to the proposal and it is therefore not considered that the proposal would have an adverse impact on highway safety in the vicinity of the site.

Taking the above into consideration, the proposal would comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Houses in Multiple Occupation.

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## **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 an existing residential dwelling (C3) to a 5-bedroom house in multiple occupation (C4).

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 one bedroom, an open-plan living room and kitchen and shower room at ground floor and four bedrooms and a bathroom at first floor. The garden area to the side of the property would be retained for use as a shared amenity space.

The application represents the resubmission of a previously refused planning application for a similar development (planning ref. 19/0363). The application was refused for the following reason:

*The proposed development will result in increased parking demand to the further detriment of highway safety and the free flow of traffic which is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan,*

The current application seeks to overcome the reason for the previous refusal and has been submitted along with a Transport Note which provides:

- An accessibility appraisal in terms of sustainable transport options available in the locality;
- A review of car parking requirement and provision for the development;
- A parking survey demonstrating that there is space for 32 on-street vehicles within a 100m walking distance of the site with a calculated reserve capacity of 17 parking spaces within close proximity of the site;
- An ATC revealing 85<sup>th</sup> percentile speeds of 33.6mph eastbound and 33.9mph westbound which requires a 46 metre forward visibility splay.

The proposal also includes a total of 5 secure cycle parking spaces within the existing garage, which is too small to accommodate a car.

## **SITE APPRAISAL**

The application site relates to a two-storey, semi-detached property located on the main road through the old town of Llantrisant. The property is set back from the public footway by a small enclosed yard to the front elevation with a larger enclosed yard being positioned to the western side elevation.

The surrounding area is predominantly characterised by residential properties, although the grounds and clubhouse of Llantrisant Rugby club is located immediately to the north-west of the application property. A number of

commercial properties are also located within walking distance of the site (High Street and the Bullring, to the southwest).

The nearest neighbouring properties include 111 Newbridge Road which is located immediately to the east and no. 1 St David's Place which is located immediately to the north. No. 108 Newbridge Road is located approximately 21 metres to the south-west.

## **PLANNING HISTORY**

19/0363	109 Newbridge Road, Llantrisant	Change of use from residential dwelling (C3) to 5 bedroom HMO (C4)	REF 29/05/19
99/2173	109 Newbridge Road, Llantrisant	Extension and porch	GTD 10/05/99

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters and through the erection of two site notices near to the site. Three letters of objection have been received and are summarised as follows:

- Reaffirms objections to earlier application on the grounds of the extra parking required on an already overcrowded part of Newbridge Road.
- The property is next to a bus stop;
- The nearest car park in St. David's Close, Llantrisant Rugby Club is already full every weekend;
- The application has already been turned down once.
- The change of use would have a detrimental effect on the conservation area;
- It will set a precedent and encourage more landlords to apply for HMOs;
- Problems associated with HMOs – traffic and parking;
- No possibility for residents to park near their home, especially on rugby training and match days;
- Difficulties in accessing the main road from side roads due to residents being forced to park too close to side roads causing dangerous obstructions.

A further letter of objection has been received from Llantrisant Community Council which raises concern with regard to parking issues in the vicinity of the site.

## **CONSULTATION**

**Flood Risk Management** – No objection or condition suggested

**Highways and Transportation** – No objection subject to condition

**Public Health and Protection** – No objection subject to conditions

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies inside the defined settlement boundary of Llantrisant and is unallocated. The site is also situated within a conservation area. The following policies are considered to be relevant to the application:

**Policy CS2** - sets out criteria for development in the Southern Strategy Area.

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

**Policy AW2** - supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**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.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy SSA13** - supports proposals within settlement boundaries.

### **Supplementary Planning Guidance**

Access, Circulation and Parking

Design and Placemaking

Houses in Multiple Occupation (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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act into Town and Country Planning.

It is considered that this proposal meets the seven goals set out in the Well-being of Future Generation's (Wales) Act inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People

and Places: Achieving Well-being through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development:

Chapter 3 Strategic and Spatial Choices (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 Active and Social Places (moving within and between places, transport, living in a place, housing)

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 11: Noise;
- 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 (C3) to a house in multiple occupation (C4) which would provide 5 bedrooms for up to 5 individuals to live together independently with shared basic facilities. It should be noted that separate Building Regulations and an HMO License from the Council's Public Health Housing Section would also be required.

The property is located within settlement limits and within an established residential area of the village. It is located in close proximity to the retail centre of Old Town Llantrisant (designated as a Local and Neighbourhood Centre) with further amenities and facilities available in the Principal Town Centre of Llantrisant/Talbot Green a little further away. There is direct access to public transport links, with a bus stop located immediately to the front of the application property and Talbot Green bus station located in the main town. As such, the site is located within a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan. Furthermore, Policies CS2, AW1 and AW2 encourage residential development in such

locations and seek to promote affordable housing. The proposal therefore generally complies with these policies.

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 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 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 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.

Furthermore, turning to other general perceived issues associated with HMOs, it is evident that on-street parking is at a premium along Newbridge Road and the level of car ownership associated with five 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 provision proposed, there is some concern with the potential impact of the proposed conversion upon highway safety in the vicinity of the site. However, the Transport Note that has been submitted with the application provides national census data from the 2011 survey that demonstrates that car ownership within RCT is significantly less for rented housing than for other tenure types. It also includes a parking survey that demonstrates sufficient on-street parking availability to accommodate parking without risk to highway safety or free flow of traffic. This, along with the fact that the property is situated within reasonable walking distance to many public transport links and facilities within the town centre and that the scheme now includes 5 secure cycle parking spaces, it is unlikely that the HMO will give rise to a harmful level of additional parking in the area.

Further, turning to particular issues such as persistent anti-social behaviour and irresponsible landlords, it is considered that these issues are able to be satisfactorily controlled by the Council's separate HMO licensing regime. In any case, 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 both the front and side garden areas for the storage of refuse bins.

In terms of the level of accommodation proposed, the proposed living accommodation complies with the minimum requirement set out in the Council's Licensing of Houses in Multiple Occupation (HMO): A Landlord's Guide to Standards in HMOs (2019) document and it is therefore considered that the proposed accommodation is of an acceptable size. Each room would also have a reasonable outlook with good natural daylight and ventilation and future occupiers would also have access to a shared outdoor amenity space. As such, it is considered that the proposal would provide good quality accommodation for future occupiers and would generally comply with the guidance set out Supplementary Planning Guidance: Houses in Multiple Occupation. However, it should be noted that there will be ancillary issues, such as fire safety, that will need to be considered as part of a separate licensing process.

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

### **Impact on residential amenity and privacy**

The proposed conversion would not involve any extensions or physical alterations to the external appearance of the property and it is not considered that it would have any additional overbearing, overshadowing or overlooking impact on the nearest residential properties. Whilst it is noted that the use of the property as a HMO for up to 5 individuals would result in the intensification of the use of the property which is likely to result in some additional noise and disturbance, it is not considered that this would be to such an extent that it would be significantly above that which could occur if the dwelling was to remain as a single household. Furthermore, the application property is located on the main road through the village with Llantrisant Rugby Football Club located in close proximity and it is therefore considered that some degree of noise and disturbance already occurs at this location.

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.

### **Impact on Highway Safety**

The Council's Highways and Transportation Section raised an objection to the previous application and it was subsequently refused on highway grounds. Following the refusal of that application, the applicant entered into discussions with the Highways and Transportation Section to determine whether the objection could be overcome. The current application has been submitted with additional information in the form of a transport note and the plans have been amended to include 5 secure cycle spaces within the existing garage. The additional information and plans have been assessed by the Highways and Transportation Section and no objection has been raised in this respect. The comments received are summarised as follows:

### Access

There are no alterations to the existing means of access and, as such, there is not undue cause for concern in this respect.

### Parking

In accordance with the Council's SPG: Access, Circulation & Parking, the proposed development has an off-street parking requirement of 5 spaces. There are no parking spaces proposed as part of the development which results in a shortfall of 5 spaces, resulting in an increase of 2 over the existing scenario.

The application is accompanied by a Transport Note which highlights the sustainable location of the proposed development with local amenities and employment opportunities reachable by sustainable modes of travel. The note also includes Census data which indicates that 52% of rented households within RCT have no access to a private motor vehicle. A parking survey was also undertaken at 9pm on Tuesday 2<sup>nd</sup> July 2019 that indicates spare capacity for 17 vehicles to park on-street within easy walking distance of the site. The submitted plans have also been amended to include 5 secure cycle spaces.

In light of the information contained within the submitted transport note and the provision of secure storage for 5 no. cycles, the concern raised with regard to the shortfall in off-street parking provision is not significant enough to warrant objection.

Whilst it is noted that three letters of objection have been received in relation to parking and the proximity of the property to a bus stop, the Highways and Transportation Section have raised no objection to the proposal in this regard. As such, it is not considered that the proposal would have an adverse impact on highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Visual Impact**

Whilst one letter of objection raises concern with regard to the impact the proposal would have on the Llantrisant Conservation 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. As such, it is not considered that the proposed conversion would impact upon the character and appearance of the application property, the wider area or indeed the designated conservation area.

The application would therefore comply with Policies AW5, AW6 & AW7 of the Rhondda Cynon Taf Local Development Plan.

### **Public Health**

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

The Public Health and Protection division also have no objection in respect of the proposed layout of the HMO and 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 licensing process.

### **Other Issues**

Three letters of objection have been received in relation to the proposal and the majority of the concerns raised have been considered elsewhere in this report. One objection raises further concern with the regard to the precedent that would be set by the approval of this application in that it would encourage more landlords in the area to come forward for similar proposals. Whilst this is appreciated, every application received by the Council is considered and determined on its own merit and this cannot be used as a reason to refuse the current application.

### **Community Infrastructure Levy 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 change of use of the property from a residential dwelling to a HMO would not lead to an overconcentration of HMOs in the locality, nor would it result in a harmful impact to the social cohesion of the surrounding area. Furthermore, whilst an intensification of use may occur at the property which could result in

some additional impact upon the amenity standards currently enjoyed by surrounding residents, it is considered that any additional impact would be minimal and not harmful enough to warrant the refusal of the application.

Furthermore, the application has been submitted with additional information (Transport Note) and amended plans since the refusal of the previous application and the Council's Highways and Transportation Section no longer object to the scheme. It is therefore considered that the reason for the previous refusal has been adequately addressed and the amended scheme is in accordance with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

**RECOMMENDATION: APPROVE, SUBJECT TO THE FOLLOWING 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 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:

1. Drawing no. 2664C: 109 Newbridge Road, Llantrisant (Proposed Ground and First Floor Plans, Site Plan, Block Plan) (Rec. 19/09/19)

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

3. The cycle storage indicated on submitted drawing no. "2664 C Rev A" shall be implemented on site prior to beneficial occupation and maintained in perpetuity.

Reason: To encourage a sustainable mode of travel, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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