

## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2017-2018:

**DEVELOPMENT CONTROL  
COMMITTEE  
22 JUNE 2017**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	Agenda Item No. 8
<p><b>APPLICATION N0: 16/1292 - CHANGE OF USE FROM DWELLING TO A HOUSE IN MULTIPLE OCCUPATION (C4) TO INCLUDE 2 BEDROOMS AND 3 STUDIOS (AMENDED PLANS AND AMENDED DESCRIPTION RECEIVED 06/03/17).2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH</b></p>	

#### **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 reported to the 20<sup>th</sup> April 2017 Development Control Committee meeting with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to refuse the application against officer recommendation. Members considered that the proposal was overdevelopment of the area (minute no 170 refers).

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 development are outlined in the original report, however, a brief summary is provided below:

The site is located within the defined settlement boundary as prescribed by the Rhondda Cynon Taf Local Development Plan and within an area which is predominantly characterised by residential properties. It is located approximately 1km from Porth town centre and is on a bus route which provides access to the nearby towns of Pontypridd and Llantrisant. This fulfils

a number of the policy criteria under Policy AW1 and Policy AW2 which encourages residential development in sustainable locations. Furthermore, Policy CS1 aims to provide high quality, affordable accommodation that promotes diversity in the residential market.

Analysis of the list of HMOs registered by the Council reveals that there are currently no other HMOs in the vicinity of the site or indeed the wider area of Cymmer. On this basis, there is no evidence to suggest that there is an over-concentration of HMO properties in the area and it is therefore not considered that the proposal would adversely impact on the social cohesion of the community.

Whilst the concerns that have been raised in relation to the proposed change of use of the dwelling to a HMO are appreciated, the recent legislation changes are designed to prevent over-concentrations in certain areas leading to a change in the character of the area. It is not considered that such a detrimental change could be demonstrated by this single application.

## **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 reflect the concerns previously raised:

1. The proposed development would result in over-development and over-intensification of the use of the property which would unacceptably harm the character and appearance of the site and surrounding area and have a detrimental impact upon the residential amenity of surrounding properties. The proposal would therefore be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## APPENDIX A

**APPLICATION NO:** 16/1292/10 (KL)  
**APPLICANT:** Mr Denis Rawlings  
**DEVELOPMENT:** Change of use from dwelling to a House in Multiple Occupation (C4) to include 2 bedrooms and 3 studios (Amended Plans and Amended Description received 06/03/17).  
**LOCATION:** 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU  
**8 JUNE 2017** 20/01/2017  
**REGISTERED:**  
**ELECTORAL DIVISION:** Cymmer

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**RECOMMENDATION:** Approve

**REASONS:** Although objections have been received in relation to the proposal, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its potential impact upon the amenity and privacy of surrounding neighbouring properties, and its potential impact upon highway safety in the vicinity of the site.

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### REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

### APPLICATION DETAILS

Retrospective planning permission is sought for the conversion of no. 2 Scranton Villas, High Street, Cymmer, from a residential dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4).

The application proposes the conversion of an existing four bedroom dwelling to a House in Multiple Occupation (HMO) containing 2 bedrooms and 3 studio rooms. The proposal would not involve any significant physical changes to the exterior of the building with only minor internal works required to convert the living room to a bedroom and the creation of new en-suite provisions within the 3 studios proposed on the upper floors.

It should be noted that the application originally included the conversion of the lower ground floor basement area to a self-contained flat. However, due to concerns with regard to the proposed access to the flat (rear access only) and the lack of windows serving habitable rooms, the flat was removed from the scheme, thus reducing the proposed number of rooms from 6 to 5.

The applicant confirms that the majority of the works had already been carried prior to the changes in planning legislation introduced by the Welsh Government in February 2016 which introduced the new use class C4 for HMO's.

## **SITE APPRAISAL**

The application site relates to a two-storey, mid-link property which is located in a predominantly residential area of Cymmer. The property is set back from the adopted highway by a small, enclosed garden with further amenity space being located to the rear elevation. Living accommodation is typically arranged over three floors (including the roof space) with a total of 4 bedrooms. It is also noted that the property benefits from a basement area at lower ground floor.

Off-street car parking is provided within the rear amenity space (to be retained).

The site is located on a bus route and approximately 1km from Porth town centre.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the application site within the last 10 years.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and the erection of two site notices in the vicinity of the site. Two letters of objection and a petition with 14 signatures against the proposal have been received and are summarised as follows:

- Planning permission has previously been refused and dismissed at appeal for other developments in this area which would increase the volume of traffic;
- The plans indicate that there is parking for 6 vehicles however there is only room for 2, possibly 3 vehicles;
- Six vehicles at the site plus visitors and deliveries would generate quite a large increase in traffic and would contradict past concerns and previous planning applications;
- Refuse collection would need to be put out and collected from the front entrance to the property;
- Concerns regarding amount of off road parking in this area. Last summer there were numerous mountain fires, some of which came dangerously close to properties. Emergency services struggled to manoeuvre through vehicles to gain access. Further traffic in this area would put my home and family at risk;
- The change of use from a single dwelling to a HMO would have a significant negative effect – noise, disturbance and increased volume of traffic;
- Concern with regard to the licensee of the HMO as the applicant lives a considerable distance away;
- Are the authorities aware of what use the HMO will fall into i.e. private/rented residence?
- Works have already been completed and this shows either disregard for procedures or failure to keep abreast of current planning rules;

- No. 3 Scranton Villas as been purchased by the same applicant and we have been informed by the previous owners that the same development will take place there also;
- We extensively renovated our property to bring it up to a good standard to considerable expense to possibly increase the value and there are concerns that the development would impact on the market value of our home;
- There are a number of empty lets and for sale signs in High Street so should more rentals be allowed?

The comments above relate to the original plans submitted which included an additional self-contained flat within the lower ground floor basement (total of 6 rooms). The plans have since been amended to remove the flat and further consultation has been undertaken with surrounding residents (neighbour letters and site notices), although at the time of writing this report, no further comments had been received. Therefore, any further comments received will be referred to orally at the Development Control Committee.

## **CONSULTATION**

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

**South Wales Police** – no objection subject to recommendations

**Transportation** – no objection or condition suggested.

## **POLICY CONTEXT**

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

The application site lies inside the defined settlement boundary of Cymmer and is unallocated.

**Policy CS1** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**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 place making, including landscaping.

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

## **Supplementary Planning Guidance**

Access, Circulation and Parking;  
Design and Placemaking;  
Development of Flats.

## **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) and 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:

Welsh Government Houses in Multiple Occupation Practice Guidance;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets.

## **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**

The application relates to the change of use of no. 2 Scranton Villas, Cymmer from a residential dwelling in the C3 Use Class to a House in Multiple Occupation (HMO) in the C4 Use Class. Whilst permission was not previously required for this type of development, changes in legislation now require a full planning application where a dwelling would be occupied by 3-6 unrelated individuals living together with shared basic amenities. Furthermore, it should also be noted that separate Building Regulations and an HMO License from the Council's Public Health Housing Section would also be required.

The site is located within the defined settlement boundary as prescribed by the Rhondda Cynon Taf Local Development Plan and within an area which is predominantly characterised by residential properties. It is located approximately 1km from Porth town centre and is on a bus route which provides access to the nearby towns of Pontypridd and Llantrisant. This fulfils a number of the policy criteria under Policy AW1 and Policy AW2 which encourages residential development in sustainable locations. Furthermore, Policy CS1 aims to provide high quality, affordable accommodation that promotes diversity in the residential market.

Taking the above into consideration, the principle of the proposed development is considered to be acceptable, provided that the scheme is not outweighed by any other material considerations discussed below.

### **Impact on character and appearance of area**

The proposal does not involve any external alterations and the development would therefore not have any visual impacts on the character and appearance of the surrounding area. However, it is acknowledged that the use of a HMO could contribute to a change in the overall character of the neighbourhood. This is particularly likely in areas where there are already a high number or an over-concentration of HMOs. The Welsh Government's Practice Guidance on HMOs recognises that over-concentration 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 of HMOs can include increased house prices and competition from landlords with a reduction in the number of family homes; increased litter, refuse, fly-tipping, disrepair and on-street parking problems.

In the case of this application, analysis of the list of HMOs registered by the Council reveals that there are currently no other HMOs in the vicinity of the site or indeed the wider area of Cymmer. On this basis, there is no evidence of over-concentration of HMO properties in the area and it is therefore not considered that the proposal would adversely impact on the social cohesion of the community.

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

As noted earlier in this report, the proposal does not involve any physical changes to the exterior of the building and it is therefore unlikely to give rise to any issues in terms of the privacy and amenity currently enjoyed by surrounding residents. It is acknowledged that the proposal will intensify the residential use of the building and could subsequently result in some additional noise and disturbance. However, the issue narrows to the impact of one additional bedroom and person occupying the property and it is therefore unlikely that the development would have such a harmful impact that it would warrant the refusal of the application.

### **Impact on Highway Safety**

The Council's Transportation Section has been consulted on the application and subsequently raises no objection to the proposal. In coming to this view, it is acknowledged that the site provides a total of 4 off-street car parking spaces to the rear of the site (rather than the 6 indicated on the application form) which is one less than the maximum number required for this type of development (as set out in the Council's SPG: Access, Circulation & Parking). However, taking into account that HMOs typically have a lesser car ownership than residential properties and that the property is located on a bus route, the proposal is, on balance, considered to be acceptable. It is also noted that there is space available at the rear of the site for some overspill car parking to take place should the need arise and parking

restrictions to the front of the site would prevent on-street car parking and therefore maintain free flow of traffic.

Whilst the comments made by the objectors in respect of previous applications at the rear of the site which were refused (and dismissed on appeal) on highway grounds are appreciated, the applications referred to were for new developments (i.e. two residential dwellings and a garage and an office) which would have increased the number of cars in the area. In the case of this application, it should be noted that a four bedroom dwelling could potentially be occupied by a family of 5 with up to 5 cars between them and this would be not be any different than the worst case scenario for the proposed development where all 5 occupants of the HMO could have a car. As such, it is not considered likely that the conversion of an existing dwelling to a HMO would give rise to a significant increase in the number of cars at the site.

Further comments made by the objectors in relation to difficulties in emergency vehicles tending to mountain fires beyond the site are also appreciated. However, it is unlikely that the development would exacerbate this issue when the points raised above are taken into consideration. In any case, if vehicles do park illegally in this location and thus block the road, it would be a matter to be reported to and dealt with by the police.

### **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 are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

### **South Wales Police**

It is noted that South Wales Police have commented on the proposal and although no objections have been raised, it is has been highlighted that HMOs attract a more transient population meaning that they are significantly at a higher risk of crime than single family occupied dwellings. A number of recommendations have therefore been put forward, the details of which can be found in Secured by Design. Should Members be minded to approve the application, an informative note highlighting these recommendations to the developer could be attached to the consent.

### **Other Issues raised by objectors**

Whilst it is acknowledged that no. 3 Scranton Villas could potentially be converted to a HMO, the Council has not yet received an application for these works and the information put forward by the objectors is currently just speculation. In any case, the impacts of another HMO in this area would be assessed as part of any future application and the information given by the objectors would not be sufficient to warrant the refusal of this application.

The comments made with regard to the works being carried out prior to an application being made are also appreciated. However, the applicant confirmed that the majority of the works commenced prior to the change in legislation and the applicant must therefore be given the opportunity to gain planning permission retrospectively and the application determined on its own merits.

One objector raises concern that refuse collection would occur at the rear of the property which would result in bins being left outside properties to the rear of the site. Whilst it is noted that there is a bin storage area at the rear of the property, this does not indicate that collection would also be from the rear. Given that the application property is an existing residential property, the proposed bin collection arrangements are likely to remain the same as the existing arrangements.

It is noted that the objections received also raise concern with regard to the impact of the development on the market value of surrounding properties, whether the property would be privately rented, the need for additional rental accommodation in the area and that the potential licensee lives a substantial distance away from the development and therefore far removed for this role. Whilst these issues are appreciated, they are not material planning considerations and therefore cannot be taken into account in the determination of the 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 liable for a charge under the CIL Regulations 2010 (as amended).

### **Conclusion**

Taking into account all of the above, it is considered that whilst the proposed development will introduce a more intensive residential use of the dwelling, the issue narrows to the impact of one additional bedroom and person. In any event, there is no evidence of over-concentration of HMO properties along High Street or in the wider area of Cymmer. Whilst concerns raised by objectors in relation to the car parking issues in the area are appreciated, the proposed development includes 4 off-street car parking spaces to the rear of the site which has been deemed acceptable by the Council's Transportation Section. Also, the sustainable location of the development means that a range of transport options and services are located within walking distance of the site, negating the need for private car ownership. On this basis, it is concluded that the proposal satisfies Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and is therefore recommended for approval.

### **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 13th March 2017, unless otherwise to be approved and

superseded by details required by any other condition attached to this consent.

- Drawing No. 2/SV/2016: Proposed Elevations and Floor Plans.

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

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**22 JUNE 2017**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATION N0: 16/1292 -  
CHANGE OF USE FROM  
DWELLING TO A HOUSE IN  
MULTIPLE OCCUPATION (C4) TO  
INCLUDE 2 BEDROOMS AND 3  
STUDIOS (AMENDED PLANS AND  
AMENDED DESCRIPTION  
RECEIVED 06/03/17).2 SCRANTON  
VILLAS, HIGH STREET, CYMMER,  
PORTH**

**OFFICER TO CONTACT**

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See Relevant Application File