

APPLICATION NO: 17/0405/10 (PB)
APPLICANT: Mr Whitlock
DEVELOPMENT: Change of use of property from category C3 Dwellinghouse to a category C4 house in multiple occupation.
LOCATION: 23 EGYPT STREET, TREFOREST, PONTYPRIDD, CF37 1BS
DATE REGISTERED: 21/04/2017
ELECTORAL DIVISION: Treforest

REASONS FOR RECOMMENDATION: The dwelling is in an area of Treforest where the proportion of houses in use as HMOs is below the average figure typically found elsewhere in Treforest, especially compared with streets closer to the University of South Wales. Nevertheless, there are concerns that the development exacerbates over-concentration of HMOs in Treforest and various attendant problems. The dwelling is capable of conversion to an adequate standard and has refuse storage and parking space. There is currently no empirical evidence to support a view that the development is harmful to the character, appearance and social cohesion of the locality therefore on balance the development complies 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 of dwellings are in use as houses in multiple occupation (HMO).

APPLICATION DETAILS

Full planning permission is sought for conversion of a dwelling house (Class C3) to a five-bedroom house in multiple occupation (Class C4) at 23 Egypt Street, Treforest.

The application will not involve any physical alteration to either the exterior or interior of the building which is already laid out as a four-bedroom house. The property has previously been used and licensed as a HMO though it is understood that the licence has expired and the current application seeks to regularise the planning status of the house as HMO.

SITE APPRAISAL

The application property is a four-bedroom end of terrace house, with a modest rear garden, situated at the junction of Egypt Street and Nile Street. There is one off-street parking space associated with the use of the property.

Egypt Street comprises terraced houses in a primarily residential neighbourhood of Treforest, which is a ward characterised by a significant number of dwellings in use as HMO's predominantly occupied by students of the University of Wales, Treforest campus.

PLANNING HISTORY

None.

PUBLICITY

Neighbouring properties have been notified of the application.

No representations received from members of the public.

CONSULTATIONS

Transportation Section - no objection subject to the retention of the off-street parking space for parking purposes ancillary and incidental to the use of 23 Egypt Street.

Public Health and Protection - no objections.

South Wales Police – no objection as HMOs provide an important source of housing and form part of a balanced housing mix. However, the characteristics of an HMO and its more transient population mean that they are at significantly higher risk of crime than single family occupied dwellings. Research shows that high concentrations of HMOs could have a negative impact on crime levels in an area, therefore crime prevention measures recommended be incorporated into the property.

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 regards should also be given to the requirements of National Planning Policy which is not duplicated in the Local Development Plan, particularly where National Planning Policy provides 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 RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 require 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 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 single dwelling house in Class C3 to house in multiple occupation in Class C4 in principle does not conflict with development plan policy as both uses are residential. 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 same practice guidance recognises that in areas where the proportion of properties in use as HMOs is high then particular issues can arise. The application property, 23 Egypt Street, is situated in the Treforest ward which is characterised by a significant concentration of HMOs on a scale not found anywhere else in Rhondda Cynon Taf. In recognition of this local situation the Council operates a HMO licensing scheme (in addition to the mandatory scheme) under the provisions of the Housing Act 2004. The 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 at the characteristics of the neighbourhood in the immediate vicinity of the application property, it is evident that a number of houses are already in use as HMOs. Of the total of 23 houses within a 50 metre radius of 23 Egypt Street 4 (17.4%) are licensed by the Council as HMOs and of the 24 houses in the whole of Egypt Street 4 (16.7%) are licensed HMOs. On this evidence about one-sixth of dwellings in the vicinity of 23 Egypt Street are in uses as HMOs. In streets

closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is much greater at around one-third of dwellings, reaching as high as two-thirds in some streets. Although significantly lower than elsewhere in the Treforest ward, the proportion of houses in use as HMOs in Egypt Street is still relatively high in the Borough-wide context 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 has 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. 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 23 Egypt Street 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. Whilst acknowledging that the number of recorded waste offences in the local area and not disputing that the appeal proposal could potentially lead to unsightly fly tipping or other visual blight there is space within the rear garden storage of refuse bins. Although the level of car ownership associated with 5 separate occupiers has the potential to be higher than would be the case if the dwelling was occupied by a single household, the application property benefits from space for street parking provision within the rear amenity space. Also, 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. Accordingly the application has attracted no objection from the Transportation Section.

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 are a number of HMOs within the vicinity of the application property, 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. 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. Whilst the concerns raised in this report are fully acknowledged and that each case must be considered on its own merits, by the same token there has to be recognition of the fact all recent planning applications for C4 HMOs in the Treforest area refused by the Council have been subsequently been allowed on appeal largely for the reasons of lack of a locally defined HMO threshold policy supported by empirical evidence of harm caused by the current concentration of HMOs in Treforest. Moreover, the application property has been previously been used and licensed as an HMO which weighs in favour of the current application.

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.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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:

- Proposed ground floor and first floor plan dated 2017.

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

3. The existing rear parking area shall not be used for any purpose other than parking ancillary and incidental to the use on 23 Egypt Street.

Reason: To ensure the provision of off-street parking in the interest of highways safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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