

**APPLICATION NO:** 17/0309/10 (PB)  
**APPLICANT:** Mr Tony Fernandes  
**DEVELOPMENT:** Retrospective application for conversion of dwelling (Class C3), to house in multiple occupation (Class C4).  
**LOCATION:** 88 BROADWAY, TREFOREST, PONTYPRIDD, CF37 1BD  
**DATE REGISTERED:** 03/04/2017  
**ELECTORAL DIVISION:** Treforest

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**RECOMMENDATION: APPROVE**

**REASONS FOR RECOMMENDATION:** The HMO 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 local concerns that the development exacerbates over-concentration of HMOs and various attendant problems in Treforest as a whole. The dwelling is converted to an acceptable standard and has ample refuse storage and parking space. There is currently a lack of empirical evidence to support a view that the development, in itself, is harmful to the character, appearance and social cohesion of the locality therefore on balance the development complies with Policy AW5 of the LDP.

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**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 retention of conversion of a dwelling house (Use Class C3) into a 5 bed house in multiple occupation (Class C4) at 88 Broadway, Treforest.

The application will not involve any physical changes to either the interior or exterior of the building as it is already laid out as 5 bed property. The HMO accommodation comprises a 2 bedrooms and a communal kitchen/dining room on the ground floor, 2 bedrooms and a communal bathroom on the first floor, with a fifth bedroom in the roof space. The rear yard area provides refuse storage space and off-street parking for up to three cars accessed off a service lane. It is understood that works to convert the property to a HMO were completed on 1 June 2016 and it is now in use for this purpose.

**SITE APPRAISAL**

The application property is a middle of terrace house, with a generous rear garden and off-street parking access from a rear lane.

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.

One letter received from the Treforest Residents Association objecting to the development on the following grounds;

- Over abundance of HMOs in Treforest that threatens the existence of the community contrary to planning policy which calls for the creation of sustainable communities;
- Damage to social cohesion with higher levels of transient and fewer long term households and established families;
- Access to the area for owner occupiers and first-time buyers becoming more difficult because of increased housing prices and competition from landlords, with a reduction in the number of family homes;
- Increase in anti-social behaviour, noise, burglary, and other crime;
- Reduction in the quality of the local environment and other street scenes because of increased litter, refuse and fly-tipping, increased levels of disrepair and prevalent letting signs;
- A change in the character of the area with increased takeaways, discount food stores, letting agencies and so on;
- Increased pressure on parking;
- Reduction in provision of community facilities for families and children, in particular pressure on schools with falling numbers.

## **CONSULTATION**

Transportation Section - no objection subject to retention of the parking area to the rear of the property for parking purposes.

Public Health & Protection - no objections.

## **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.

However, looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that fewer dwellings houses in its vicinity already are in use as HMOs compared with the situation found in streets closer to the Treforest campus. Of the total of 32 houses within a 50 metre radius of 88 Broadway 7 (21.9%) are licensed by the Council as HMOs and of the 175 houses in the whole of Broadway 31 (17.7%) are licensed HMOs. On this evidence around one-fifth of dwellings in the vicinity of 88 Broadway are in use 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 Broadway 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, as evidenced in the figures above, has 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 88 Broadway from C3 dwelling to a 5 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 ample space within the rear garden storage of refuse bins. The level of car ownership associated with 5 separate occupiers has the potential to be higher than, for instance, a 3 bedroom property in C3 use. Although on-street

parking on Broadway is at a premium, the application property benefits from ample off-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 using Broadway. Accordingly the application has attracted no objection from the Transportation Section.

Representation submitted by the Treforest Residents Association raise concerns that the concentration of HMOs in the area has exacerbated levels of crime, anti-social behaviour and noise pollution, has put at risk community facilities such as schools and has isolated local residents. 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 appeal 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. 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 of the Residents Association are fully acknowledged and that each case must be considered on its own merits, 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 likely to be caused by additional HMOs in Treforest.

#### **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.

#### **RECOMMENDATION: Grant**

1. Notwithstanding the submitted plans, within two months of the date of this permission a plan shall be submitted to and approved by the Local Planning Authority indicating the design and details of a parking to the rear of the house at 88 Broadway, Treforest. The parking area shall be laid out and constructed in accordance with the approved details in a timescale to be agreed in writing with the Local Planning Authority and shall be retained

thereafter for the purpose of parking of vehicles associated with the occupation of the house at 88 Broadway, Treforest.

Reason: To ensure that vehicles associated with occupation of the house are parked off the highway in the interest highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.