

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 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 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 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 of Treforest capable of being attributed to the proposed conversion of 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.