

DATE WRITTEN	3rd January 2025
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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	15th January 2025

Application No.
P/24/0201

Date
21st August 2024

Determining Authority
MTCBC

Proposed Development

Location

Name & Address of Applicant/Agent

Change of use from a dwelling house (Use Class C3) to a 4 bedroom house in multiple occupancy (Use Class C4)

2 Llewellyn Street
Merthyr Tydfil
CF47 8SR

Mr Craig Davies
Mainty Group Consulting LTD
18A Newport Business Centre
Newport
NP194RF



P/24/0201

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PURPOSE OF REPORT

To further consider planning application reference P/24/0201

At the Planning, Regulatory and Licensing Committee meeting held on the 13th November 2024, it was resolved not to accept the Officer recommendation to conditionally approve the planning application. Members instead resolved that they wished the application be refused on grounds relating to highway safety and the character of the area.

Accordingly, reasons for the refusal of the application as expressed by Members have been drafted below for Committee's consideration which includes reference to the relevant LDP policies:

1. The development would give rise to an increase in the level of on street parking and congestion to the detriment of highway safety. Therefore, the development is contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The nature of the residential use would be at odds with the existing housing in the area to the detriment of the character of the area. Therefore, the development is contrary to policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

COMMITTEE'S DECISION IS REQUIRED.

Councillor Clive Jones has requested that the application be determined by the Planning Committee to consider the concerns raised by local residents, which include the potential impact on the character of the area, residential amenity, highway safety, anti-social behaviour and house prices.

APPLICATION SITE

This application relates to a 2 storey mid-terraced dwelling located on Llewellyn Street. The property fronts onto Llewellyn Street to the south-east with residential properties and garages opposite. To the rear (north-west) of the property is a garden area, which adjoins a lane with several garages opposite. The area comprises high-density terraced housing typical of Merthyr Tydfil's historical industrial housing provision.

Cyfarthfa Park Primary School is located approximately 140m south-east of the application site.

The site is located within the settlement boundary as identified by Policy SW4 of the Merthyr Tydfil Replacement Local Development Plan and its associated proposals map. The property is also within the Merthyr Tydfil Landscape of Outstanding Historic Interest.

PROPOSED DEVELOPMENT

This application seeks permission for the change of use of the property from a single dwellinghouse falling under Use Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) to a House in Multiple Occupation (HMO) within Use Class C4 with 4 bedrooms

It is proposed to replace an existing rear ground floor window with patio doors and block up the existing back door that currently serves the kitchen area.

In respect of internal alterations, a partition wall would be removed on the ground floor to create an open plan living, kitchen and dining area. Part of current dining room would be used to provide a bathroom and the current kitchen in the rear annexe would be changed to provide a shower room.

At first floor level, the existing bathroom would be converted to a single bedroom and a double bedroom at the front of the property would be divided to provide 2 single bedrooms. A total of 4 bedrooms would be provided in the property.

PLANNING HISTORY

There is no relevant planning history to consider in the determination of this application.

CONSULTATION

Head of Engineering and Highways	No objection.
Planning Policy Officer	No objection.
Environmental Health Manager	No objection.
Dwr Cymru/Welsh Water	No objection, subject to a condition relating to surface water and land drainage.
South Wales Fire and Rescue Service	No objection.
South Wales Police	No observations to make.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties on 28.08.2024 and a site notice was displayed within the vicinity of the site on 04.09.2024. Following the submission of further information, a re-consultation exercise was carried out including letters to those who initially made representations.

As a result of these publicity exercises, 39 letters of objection were received and the concerns raised are summarised below:

- The property is too small to accommodate a HMO and would result in an over intensification of the residential use;
- The development would pose a fire risk because the kitchen facilities are too small;
- The surrounding area is made up of many family homes with young children as well as elderly and other vulnerable individuals of all ages, and this proposal would make it unsafe for them;
- There are concerns that the proposal is likely to result in vandalism, theft and harassment in the area;

- The development would have an impact on the value of surrounding dwellings;
- The site has limited on-site parking and the surrounding streets have insufficient parking for existing residents, resulting in congestion;
- The HMO would sit in very close proximity to a primary school;
- There are concerns that the future residents of the HMO would give rise to anti-social behaviour, increased noise levels, general disturbances and crime in the area.

POLICY CONTEXT

National Policy

The Future Wales National Plan 2040 Planning Policy Wales (PPW) Edition 12

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Paragraphs 3.3 refers to good design and states that “...*good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.*”
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for peoples to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that “*Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate*”. Paragraph 4.1.1 reiterates this noting “*The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution*”. Similarity, Paragraph 4.1.37 notes that “*Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services*”. In respect to car parking paragraph 4.1.51 notes “*Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport*”.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

- Policy SW1 – Provision of New Homes
- Policy SW2 – Provision of Affordable Housing
- Policy SW4 – Settlement boundaries
- Policy SW9 – Planning Obligations
- Policy SW11 – Sustainable design and Placemaking
- Policy CW1 – Historic Environment
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW4 – Environmental Protection
- Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

The key considerations in the assessment of this application are; the principle of the development, impact upon the character of the area, the impact upon the living conditions of neighbouring occupiers, highway safety and ecology/biodiversity.

Principle of the development

The application site is located within the defined settlement boundary where the principle of new development is generally supported and encouraged by Policy SW4 of the LDP. Whilst the residential nature of the property would change as a HMO, it would nonetheless remain a compatible use with the surrounding properties.

It has been adequately demonstrated on the submitted plans that the property is of a sufficient size to accommodate 4 bedrooms with appropriate communal areas. As such, the proposal would not result in an overdevelopment/intensification in the use of the property.

In respect of sustainability, the application site is within close proximity to local amenities which would be accessible to future occupiers via sustainable modes of transport. Additionally, a bus service operates from the nearby bus stop linking the application site with the Town Centre and other nearby settlements/local centres.

Given the above it is considered that the proposed development is acceptable in principle.

Character and visual impact

The proposed development would involve minor alterations to the rear elevation of the property at ground floor level, comprising the blocking up of a back door and insertion of patio doors, would be minor in nature and scale. As such, these alterations would amount to a negligible impact on the character or visual amenity. It is appreciated that properties occupied by non-family households have the potential to change the character of an area (i.e. damage social cohesion with higher levels of transient residents). However, it cannot be argued that the proposed HMO along Llewellyn Street would lead to an over-

concentration of HMO's resulting in significant harm, which would justify the refusal of the application on this basis.

In regards to the potential intensification of the residential use, it is noted that under the Town and Country Planning (Use Classes) Order, it allows the existing property to already be occupied by up to 6 people that form a household (defined as use class C3(c)) without requiring planning permission. Therefore, it is considered that the proposed HMO, which would accommodate 4 bedrooms, would not lead to an over-intensification of the existing residential use that may otherwise appear out of character with the neighbouring residential properties. Therefore, the proposal would comply with LDP Policy SW11.

Residential amenity

In terms of the impact on residential amenity, it is not considered that the proposed 4 bedroom HMO would be significantly different to the existing use, as a 3 bedroom dwelling. The proposed external and internal alterations to the property could also be undertaken at any time without the need for planning permission to provide an additional bedroom. In respect of any potential noise and disturbance concerns, it is not considered that a 4 bedroom HMO would give rise to any significant change in impact from that which you might expect from a typical dwellinghouse. In this regard, no objections have been received from the Environmental Health Manager. Accordingly, the proposal complies with Policy SW11 of the LDP.

Highway safety/parking

The property as existing would require off street parking provision for 3 vehicles when applying the adopted parking standards. The change in the use of the property to a HMO would not require a greater provision of parking than the existing dwelling use. As already stated in an earlier section of this report a greater level of occupancy could occur at this property without the need for planning consent, therefore it is not considered justified or necessary to condition that off street parking be provided.

Furthermore, the adopted parking standards are guidance only and since their adoption in 2008 have been superseded by both Future Wales: The National Plan 2040 and Planning Policy Wales 12, both of which support lower levels of off street car parking provision or developments without dedicated off street parking in appropriate locations. As the site is within the settlement boundary and given its proximity to an existing bus route it is considered that the stance of national policy further adds to the justification for not providing off street parking provision.

It is acknowledged that the Head of Engineering and Highways has not raised any highway safety concerns with the proposal. It is recognised that that a shortfall of parking provision exists, however the proposal would not differ significantly to the existing situation.

Ecology/biodiversity

Policies EnW1 and EnW4 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. The proposal raises no significant concerns in this regard given the existing context and nature/extent of development proposed. The development would have minimal impact upon green infrastructure or biodiversity interests

and would not have any significant impact upon climate change. The local planning authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. The provision of ecological enhancements can be secured by condition, which would provide additional habitats in the local area, and therefore contribute to the wider green infrastructure objectives.

Response to third party comments

The majority of the points raised as a result of the publicity exercise have been covered in the earlier sections of this report. However, it is noted that comments have been received in respect of increased fire risk, potential for antisocial behaviour and the character of potential future occupiers, which are issues that can arise with any residential property and are not limited to that of HMO developments.

In respect of the concerns relating to the future occupants of the HMO, planning controls are concerned with the use of land rather than the user and there are other measures outside of the planning system available to address fire safety and antisocial behaviour. As such, these matters fall outside the remit of the Town and Country Planning Act and are not material planning considerations in the assessment of this application. Similarly, the impact on property values is not a material planning consideration in the determination of a planning application.

CONCLUSION

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

For the above reasons, the proposed development is acceptable and complies with the relevant policies. Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans:

Dwg No. 670104 (Ground Existing and Proposed), Received on 02 October 2024.

Dwg No. 670104 (First Existing and Proposed), Received on 02 October 2024.

Dwg No. 670104 (Side Elevation Proposed), Received on 29 October 2024.

Dwg No. 670104 (Rear Proposed), Received on 29 October 2024.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.