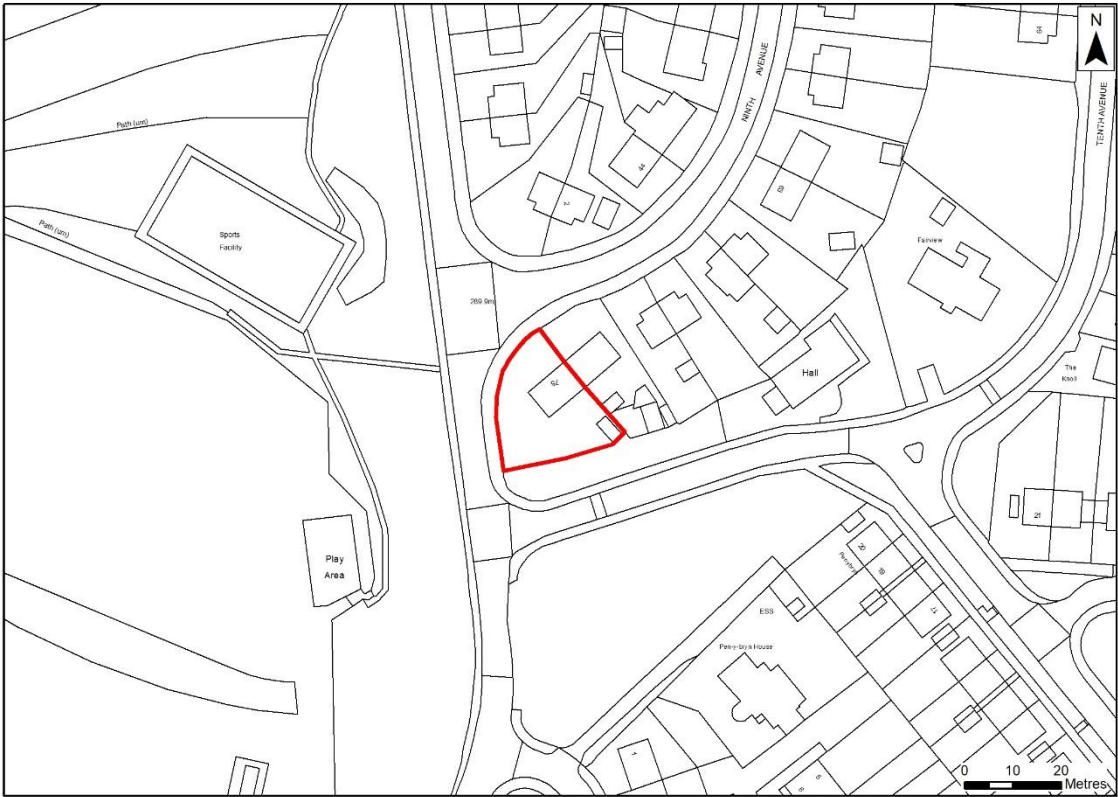


DATE WRITTEN	30th September 2024
REPORT AUTHOR	Judith Jones
CASE OFFICER	David Cross
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	9th October 2024

Application No. P/24/0058	Date 24th May 2024	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Change of use from C3 dwellinghouse to C4 House of Multiple Occupation (HMO) for maximum of 5 occupants	75 Ninth Avenue Galon Uchaf Merthyr Tydfil CF47 9TN	D2 Propco Limited c/o D. Vivian Jones 114 Brecon Road Hirwaun Aberdare RCT



PURPOSE OF REPORT

To further consider planning application reference P/24/0058

At the Planning, Regulatory and Licensing Committee meeting held on the 11th September 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:

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.

It should be noted that since the committee meeting members have drawn reference to the relevant LDP policies in relation to the respective reasons for refusal as set out above.

COMMITTEE'S DECISION IS REQUIRED.

PURPOSE OF REPORT

To further consider planning application P/24/0058

At the Planning, Regulatory and Licensing Committee meeting held on the 5th June 2024, it was resolved to defer the determination of the application to allow members to undertake a fact finding site visit. This took place in the 22nd July 2024.

In summary, the following main planning related issues were raised during the fact-finding site visit:

- Concerns with how the property would be used as a HMO and the circumstances of the future occupiers;
- Potential risks to the local community;
- Consultation with the Police service;
- Potential highway traffic congestion and parking concerns;
- The site would be close to a number of playfields and playgrounds;
- Concerns regarding the safety of children walking to a nearby school;
- Limited bus service in the area;
- The provision of CCTV at the property;
- The potential number of people that could stay at the property and the monitoring of this; and

- Antisocial behaviour where HMO's are located

The above issues relating to the use of the property, amenity impacts and highway safety have been fully considered in the original committee report. The concerns relating to anti-social behaviour would also be a matter for the Police, Environmental Health and the Landlord to address should such concerns arise, which cannot be controlled by planning legislation.

Accordingly, the points raised at the fact-finding site visit did not highlight any new issues that would otherwise alter the original recommendation to Committee.

COMMITTEE'S DECISION IS REQUIRED.

A copy of the original report to Committee is reproduced below for committee's convenience.

Councillor David Isaac has requested that the application be determined by the Planning Committee to consider the concerns raised by local residents, which includes the potential impact on the character of the area, residential amenity and highway safety.

APPLICATION SITE

The application site comprises a 2 storey, semi-detached dwelling occupying a corner plot on Ninth Avenue adjacent to the junction with Galon Uchaf Road. To the rear of the property is a garage and parking area, the majority of the garden land is arranged to the front/side. The topography of the site is such that the side garden area is at a lower level than the dwellinghouse. Tenth Avenue runs to the rear of the site with an area of open space beyond it therefore other than the attached dwelling there are no properties that directly adjoin/neighbour the site. To the west of the application site is a large area of open space comprising playing fields and sports pitches.

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 site is within the Merthyr Tydfil Landscape of Outstanding Historic Interest.

PROPOSED DEVELOPMENT

This application seeks consent for the change of use of the dwellinghouse from a single dwelling 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 within use class C4 for 5 persons.

No physical alterations are proposed to the exterior of the property. However, internal alterations are proposed involving a partition to split the living room and provide an additional bedroom at the ground floor level to enable the house to accommodate 5 bedrooms for 5 people with a communal kitchen area, bathroom and living/dining room.

A cycle store is proposed to be constructed in the rear garden area, the store is proposed to measure 2.4m X 3.0m with a max height of 2.25m and would provide provision for the storage of 5 cycles.

Biodiversity enhancements are proposed in the form of 1 bird box and 1 bat box to be erected on the western elevation of the property as shown on the proposed plans.

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 response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining property on 19.03.2024 and x2 site notices were displayed within the vicinity of the site on 22.03.2024 .

As a result of this publicity exercise 48 individual letters of objection were received in addition to 3 petitions objecting to the development with a total of 425 signatures. The main concerns/reasons for objecting were;

- Unsuitable location
- Impact upon parking/highway safety
- Over intensification of use
- Detrimental to community
- Safety and well-being concerns
- Antisocial/criminal behaviour
- Devaluation of properties
- Close to school and nursery facilities and close to children's playing fields

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 people 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”. Similarly, 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 SW3 – Sustainably Distributing New Homes
 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 EnW2 – Internationally and Nationally Protected Sites and Species
Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

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

Principle of the development

The application site is located within the defined settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. Additionally, the proposed use would remain as residential within a residential area therefore no objection is raised in respect of the compatibility of the use within the context of the site.

It is considered that the property is of a sufficient scale to provide accommodation for 5 persons without resulting in an overdevelopment/intensification of the site. Given the scale and nature of the use proposed no planning obligations would be sought nor would any Community Infrastructure Levy (CIL) be chargeable.

In respect of sustainability, the application site is within close proximity to local amenities which future occupiers would be able to access 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. A cycle store is proposed as part of the submission which further adds to the sustainable credentials of the proposed development.

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

Visual impact/impact upon character

No alterations are proposed to the exterior of the property, as such any visual impact would be unchanged. No concern is raised in this respect and no conflict with LDP Policy SW11 has been identified.

In respect of the impact upon the character of the area, the land is within a residential area, has an existing residential use and this would be unchanged therefore no objection is raised in this respect. Consideration has been given to what could be achieved without the need for planning consent and what greater impact, if any would be generated by the proposed use.

The Town and Country Planning (Use Classes) Order 1987 (as amended) allows for up to 6 people to form a household (defined as use class C3(c)) without requiring planning consent. Therefore, it is considered that a similar intensification of the use to that being proposed could already occur, which does not require consent and would not differ greatly from 5 individuals occupying the dwelling as a HMO. Furthermore, it is considered that a family falling under use class C3(a) could generate an equal if not greater impact/intensification from the dwellinghouse.

There are no other Houses of Multiple Occupation in this area as such it is not considered that the introduction of one would have any significant change to the character of the area that would warrant concern. Accordingly, it has not been possible to identify an unacceptable impact that would warrant the refusal of this application.

Residential amenity

This application seeks consent for a change of use only, no physical alterations requiring planning consent are proposed and therefore no difference would be felt by neighbouring occupiers from the built form, therefore, no objection is raised in this regard.

In respect of the proposed use, this would remain as residential and the number of occupiers is proposed to be no more than 5, this is not considered to result in an over intensification of the use or to have any unacceptable adverse impact upon the living conditions of neighbouring occupiers. It is noted that up to 6 adults could occupy the property without triggering a change of use which has been given significant weight in the assessment of this application. Therefore, the proposal complies with LDP Policy SW11.

Highway safety/parking

The existing parking provision would be improved as a result of this proposal by the addition of one off street parking space to be provided to the rear of the property adjacent to the existing garage.

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.

The proposal has been considered by the Head of Engineering and Highways who raises no objection to the proposal in relation to highway safety and recognises that a shortfall of parking provision exists, however acknowledges that the proposal would result in a betterment when compared to the existing. Conditions have been requested in relation to the extended vehicular cross over, surface water and cycle parking provision, only the condition relating to the vehicular cross over is considered to be necessary as surface water is controlled via other legislation and the Local Planning Authority considers they have sufficient information in respect of the proposed cycle parking as submitted. Therefore the proposal complies with LDP Policy SW11.

Ecology/biodiversity

Policies EnW1 and EnW4 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and nature/extent of development proposed. The nature of the proposal as a change of use is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it 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 proposed details for biodiversity enhancement are considered to be proportionate to the extent of the development proposed, therefore subject to a condition requiring the implementation and retention of the biodiversity features no objection is raised in this respect.

Response to third party comments

The proposed development has been considered against the relevant Policies of the Local Development Plan and requirements of National Planning Policy, no conflict has been identified. The majority of the points raised via the public consultation have been covered in the earlier sections of this report. Other comments such as the increased potential for antisocial behaviour and comments relating to the character of potential future occupiers are not a material considerations in the assessment of this application. Such issues can arise in residential areas without the need for planning consent and such matters fall outside the remit of the Town and Country Planning Act. Therefore, these issues cannot be controlled via a planning consent and would not warrant the refusal of this application on such grounds. Similarly, concerns in relation to the motive of the applicant and property values are not material considerations in the assessment and 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.

The proposal would provide much needed housing of an affordable nature in a time of economic hardship. Having regard to the policy context above, the proposal is considered acceptable and 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 and documents:

Drawing No. 2975 C - Proposed Floor Plans, Elevations, Block Plan and Cycle Store, received 24.05.2024

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

3. Prior to the development hereby approved coming into beneficial occupation the biodiversity enhancements (bird box and bat box) as show on Drawing No. 2975 C shall be installed on the side elevation and maintained as such in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

4. Prior to the development hereby approved coming into beneficial use, details of the construction of the vehicular cross over and hardstanding as illustrated on Dwg No: 2975 rev C, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the development coming into beneficial use and the parking spaces shall remain available for for such purposes thereafter.

Reason - In the interests of highway safety in accordance with Policy SW12 of the Merthyr Tydfil County Borough Replacement Local Development Plan.