

DATE WRITTEN	29th April 2024
REPORT AUTHOR	Judith Jones
CASE OFFICER	Adam Foote
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	8th May 2024

Application No.
P/24/0014

Date
24th January 2024

Determining Authority
MTCBC

Proposed Development

Change of use from a C3 dwelling house to a C4 house in multiple occupancy (HMO) (5 bedrooms)

Location

26 Maen Gilfach Trelewis Treharris CF46 6BG

Name & Address of Applicant/Agent

Mrs Hannah Dugard c/o Mr Craig Davies Mainty Group Consulting LTD 18A Newport Business Centre Corporation Road Newport



PURPOSE OF REPORT

To further consider planning application reference P/24/0014

At the Planning, Regulatory and Licensing Committee meeting held on the 10th April 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 the unsustainable location of the application site.

Accordingly, reasons for the refusal of the application as expressed by Members have been drafted below for Committee's consideration:

1. The property is not in a sustainable location, it is not well served by public transport, or modes of sustainable transport. Therefore the proposed development is contrary to Policies SW1, SW12 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The property is not readily accessible to local amenities to serve future occupiers, which conflicts with national policy. Therefore the proposed development is contrary to Policy SW12 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.

A copy of the previous reports to Committee are reproduced below for Committee's convenience

APPLICATION SITE

The application site comprises a 2 storey, semi-detached dwelling located on Maen Gilfach a residential street in Trelewis. The topography of the site is such that the land level reduces towards the west resulting in the dwelling being sited at a lower level than the street. 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.

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, use class C4 for 5 persons.

No physical alterations are proposed to the exterior of the property. All physical alterations are contained to the interior of the property. Internal alterations are proposed to enable to house to accommodate 5 bedrooms for 5 people with a communal kitchen area, bathroom and living/dining room.

PLANNING HISTORY

There is no relevant planning history which needs to be considered in the determination of this application.

CONSULTATION

Head of Engineering and Highways	No objection.
Planning Policy Officer	No objection.
Environmental Health Manager	No reply.
Bedlinog and Trelewis Community Council	Concerns (parking and antisocial behaviour)

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties on 07.02.2024 and x2 site notices were displayed within the vicinity of the site on 13.02.2024.

As a result of this publicity exercise 36 letters of objection were received, which raised concerns in relation to parking provision, impact upon highway safety and that the proposed development would result in an over intensification of the use of the dwelling which is not in-keeping with the character of 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”*. 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 approximately 1 mile from the local centre in Treharris, which would be approximately a 25 minute walk, which is considered to be a reasonable level of accessibility to the closest amenities for any future occupiers. Additionally, a bus service operates from the nearby bus stop linking the application site with the closest nearby settlements.

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 would be limited to 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.

Highway safety/parking

The existing dwelling does not have any dedicated off-street parking provision and none is proposed as part of this application.

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 and would not be exacerbated by the proposed development.

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. As no details of a biodiversity enhancement have been proposed it is considered necessary to condition that details of biodiversity enhancement are submitted to and agreed by the local planning authority prior to the development coming into beneficial use.

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:

Dwg Ref 801506-B Rev A - Proposed Front Elevation

Dwg Ref 801506-D Rev A - Proposed Rear Elevation 801506-D Rev A

Dwg Ref 801506-F Rev A - Proposed Side Elevation 801506-F Rev A

Dwg Ref 0000416CG Rev A - Proposed First Floor 0000416CG Rev A

Dwg Ref 0000416CG Rev A- Proposed Ground Floor Layout 0000416CG Rev A

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 details of biodiversity/ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details 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.