

DATE WRITTEN	24th June 2025
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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	2nd July 2025

Application No.
P/25/0155

Date
28th May 2025

Determining Authority
MTCBC

Proposed Development

Location

Name & Address of Applicant/Agent

Change of use from a 5 bedroom residential property (C3 use class) to a 5 bedroom HMO (C4 use class)

9 Queens Terrace
Carlton Terrace
Troedryhiw
CF48 4ER

Mr James Baker
Avalon Homes Ltd
66 Lions Lane
St Leonards
Ringwood



Councillor Brent Carter has requested that the application be considered by the planning committee to deliberate on the concerns raised by local residents, which include the impact the proposal would have on the character of the area, parking availability and highway safety.

APPLICATION SITE

The application site relates to an existing end of terrace dwelling, 9 Queens Terrace, located off Carlton Terrace, in the area of Troedyrhiw. The property, which is elevated above the level of the road, fronts Carlton Terrace to the east. It adjoins Angus Street to the north, 8 Queens Terrace to the south, and 1 Angus Street to the west. The dwelling is served by an open elevated patio area to the front and a small enclosed private courtyard/garden to the rear. A detached garage, accessed off Angus Street, serves the parking requirements of the property. Unrestricted on-street parking is also provided along the front and side roads, namely Carlton Terrace and Angus Street.

PROPOSED DEVELOPMENT

This application seeks full planning permission to change the use of the property from a 5 bedroom residential dwelling (C3 Use Class) to a 5 bedroom House of Multiple Occupation (HMO) (C4 Use Class).

The property would not undergo any internal or external alterations. As such, its internal layout and external appearance would remain completely unaltered since the proposal seeks to change the use of the property only. The existing and proposed plans therefore indicate that a porch, 2 bedrooms, a kitchen area, a lounge area and a bathroom are provided at ground floor, and 3 bedrooms and a bathroom are provided at first floor.

PLANNING HISTORY

The following planning history is relevant to this site:

P/20/0304 - Conversion of house to two self-contained flats – Approved: 01.06.2021

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering & Highways	No objection.
Planning Ecologist	No objection.
Environmental Health Manager	No objection, subject to conditions.
Natural Resources Wales	No objection.
Dwr Cymru Welsh Water	No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 29th May 2025 and a site notice was displayed within the vicinity of the site on the 5th June 2025.

A total of **47 letters of objection** were received following the publicity exercise. A summary of the issues raised are outlined below:

- HMO's can lead to overcrowding and put a strain on local infrastructure like roads, schools, and healthcare facilities and result in inadequate, unsafe and unhygienic living conditions;
- HMO's have a higher number of residents, which potentially leads to increased noise, disturbances which could negatively impact the quality of life for neighbouring residents;
- The Increased vehicular traffic and additional parking demands resulting from HMO's can exacerbate parking problems in the area, which can lead to congestion, lack of parking and disputes;
- HMO's can generate more waste, potentially overloading local waste management systems and impacting the environment, resulting in additional litter, overflowing bins and other environmental concerns;
- The conversion of a property to a HMO would be detrimental to the character of the area, affect property value and the safety and cohesion of the community;
- HMO's may not meet fire safety regulations or have adequate security measures, which would pose a safety and well-being concerns for its residents' and nearby occupiers;
- HMO's can sometimes attract anti-social behaviour and conflicts due to the high density of residents, which can negatively impact the amenities and safety of nearby residents including the elderly and children. The area already suffers from criminal activities such as drug dealing and this would make the situation worse;
- A poorly managed HMO can pose risks to residents and the local community and an HMO license applicant who is deemed unsuitable, should not be granted a HMO license;
- If a locality already has a high concentration of HMOs, granting another license can lead to overprovision, and exacerbate the negative impacts resulting from such uses, and this should be a valid reason to refuse planning applications;
- The applicant is not from the area and has no real understanding of the impact this proposal would have on the surrounding residents.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) must be taken into considerations. Relevant sections are identified below:

- 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.” 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 refers to sustainable development and states that “...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...”.
- 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 provision, paragraph 4.1.50 notes that “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”.

The following Technical Advice Notes are also relevant:

- TAN 12: Design
- TAN 18: Transport

Local Planning Policies

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

- SW1 Provision of New Homes
- SW3 Sustainably Distributing New Homes
- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW4 Environmental Protection

Supplementary Planning Guidance (SPG) Notes:

- Note 4 - Sustainable Design.
- Note 5 - Nature and Development.

PLANNING CONSIDERATIONS

The main issues to consider in the assessment of this application relate to whether the principle of the development is acceptable in this location and whether it would be an appropriate proposal in respect of its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The proposed development seeks to change the use of a 5 bedroom residential dwelling into a 5 bedroom HMO. Given that the property lies within the settlement boundary and the proposal seeks to continue to provide a residential use (albeit of a different nature), it would be acceptable provided it complies with other relevant policies. The proposed development, would therefore be acceptable in principle and would accord with LDP Policy SW4.

Character and Appearance

The proposed change of use would not involve any alterations to the internal layout or external appearance of the property. It would therefore not have any adverse impact on the appearance of the property or the character of the wider area.

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 is not evident that the proposed 5 bedroom HMO along Carlton Terrace would lead to an over-concentration of HMO's resulting in

significant harm to the street's residential character. As such, the proposal would comply with LDP Policy SW11.

Residential Amenity

In terms of the impact on residential amenity, i.e. additional noise and disturbance, loss of privacy due to overlooking from windows, and management of additional waste (which have been raised in the letters of objection), it is not considered that the proposed 5 bedroom HMO would be significantly different to the existing use, as a 5 bedroom residential dwelling. Indeed, there are no internal or external alterations proposed in association within this development. Whilst there is some potential for additional noise and disturbance resulting from the proposal, which may have an impact upon the amenities currently enjoyed by surrounding residents, this would not be considered significantly more harmful than the noise and activities associated with a residential dwelling to warrant the refusal of the application. In this regard, no objections have been received from the Environmental Health Manager.

In respect of overlooking and loss of privacy, no additional overlooking would result from the proposed development, since no new windows/openings would be created in association with this proposal. As such, the privacy of nearby residents would not be adversely affected as a result of this development.

With regards to the waste facilities available to serve the 5 bedroom HMO, the application does not include any details of a bin/recycling area, however, such details can be requested by a suitably worded condition, to ensure that adequate facilities to manage waste are provided. However, since no additional bedrooms would be provided as a result of this proposal, the management of waste would likely have a similar arrangement to the existing property, i.e. waste bins/area provided at the rear of the property and then placed at the front of the property, on the pavement, once a week in readiness for collection. Indeed, the property can already be occupied by 5 individuals, or families of a larger number without the need for planning permission. It should also be noted that no concerns or objections have been raised by the Environmental Health section in this respect.

It is acknowledged as a result of the publicity exercise that representations also raise concerns in respect of noise, anti-social behaviour, crime and the public's safety. It is also recognised that there are concerns surrounding the type of occupiers that the proposed HMO would attract. It is important to note that the responsibility for dealing with such issues, such as noise and anti-social behaviour, which are not necessarily uniquely associated with HMO developments and can also occur within any family home, would be shared between a number of agencies, particularly the Police, Environmental Health and the landlord. It is also important to note that planning controls are concerned with the use of the land, rather than the user of the land. As such, concerns related to the potential future occupiers of the HMO property is not a matter which can be considered in the assessment of the planning application or controlled by the local planning authority. Whilst the concerns of residents are acknowledged, there is no clear evidence in this instance, which demonstrates that the proposal would increase anti-social behaviour, noise and disturbance, or cause a risk to the safety of surrounding residents. The proposed development would therefore be considered to comply with LDP Policy SW11.

Ecology

The proposed development does not involve any works to the internal layout or external appearance of the property. As such, the Council's Ecologist has not requested the submission of any survey work in support of this application. However, in accordance with the Environmental Wales Act (2016) and the Welsh Government Circular Securing Biodiversity Enhancements (2019), enhancement works would be required in support of the proposal. Thus, a suitably worded condition, would be added to any planning permission granted.

It is also noted, under chapter 6 of Planning Policy Wales (edition 12) that applications should be supported by Green Infrastructure Statements (GIS). However, due to the nature of the development, which relates solely to a change in the use of the property, the submission of a GIS would be deemed disproportionate and unreasonable. Notwithstanding this, ecological enhancements would be provided (secured by condition) which would contribute to the wider green infrastructure objectives. Thus, the proposed development would therefore be considered acceptable and accord with LDP Policy EnW1.

Parking Provision and Highway Safety

With regards to the impact of the proposal upon highway safety, it is noted that the application site is served by a garage to the rear of the property. However, it is acknowledged that the property does not benefit from any other dedicated on-site parking provision to serve the existing 5 bedroom dwelling. The proposed HMO does not seek to increase the number of bedrooms within the existing property. Typically, 1 parking space per bedroom would be sought up to a maximum of 3 parking spaces for any residential property. Currently the property only accommodates 1 off-street parking space, with all other parking accommodated along the highway. Whilst it is recognised that there would be a shortfall in off-street parking provided for the HMO, this would not differ to the current arrangement for the 5 bedroom dwelling. As such, the Head of Engineering and Highways has not raised any concerns or objections to the change of use.

It should also be noted that the application site lies adjacent to residential streets which benefit from unrestricted on-street parking provision. Indeed, during the site visit to the property, it was noted that there was capacity for some on-street parking in the surrounding area, which would already be available to serve the parking requirements of the existing dwelling. It is also recognised that the site lies within walking distance of Bridge Street, which is a designated Local Centre offering shops, services and public transport (i.e. bus) to its residents, where the use of more sustainable modes of transport can be encouraged. Thus, given the property's sustainable location and the parking requirements associated with a 5 bedroom property and a 5 bedroom HMO, it is not considered that the lack of on-site parking would give rise to any significant highway or pedestrian safety concerns.

It is recognised that local residents have also raised concerns in respect of the existing on-street congestion and the additional parking pressures that the proposed use could place upon the local area. However, the merits of the development should also take

into account that a dwelling can normally accommodate up to 6 persons living together as a single household without the need for planning permission. Thus, in this instance, the impact of the proposed development upon highway and pedestrian safety, would not warrant the refusal of the application. Therefore, the proposal would accord with LDP Policy SW11.

Response to Representations

The planning concerns raised in the letters of objections have been addressed in the relevant sections above. With regards to other concerns raised, these have been addressed below:

- The management of a HMO lies outside of the planning controls and is therefore not a planning consideration when assessing the merits of the proposal. HMO properties would generally be managed by the owner/developer and any concerns regarding its management, such as overcrowding, unsafe environments due to fire safety breach regulations, etc, improper disposal of waste, and/or poor living conditions, would be a matter for the Council's Environmental Health Division;
- The planning department does not grant HMO licenses. Decisions on whether or not a HMO license should be issued is not a planning consideration and cannot be taken into account when assessing a planning application. This would normally be a matter for the Council's Licensing Department.
- Whether or not the applicant, who seeks consent to run a HMO, is a resident in the same area/locality, is not a planning consideration.
- Any impact on the potential value of properties is not a material planning consideration.
- It has been highlighted that this proposal may cause some distress and unease amongst surrounding residents, including vulnerable and elderly individuals, particularly in response to potential occupiers of the HMO. Whilst the concern for the wellbeing of residents is noted, the future occupiers of the property is not a material planning consideration.

CONCLUSION

Taking into account the above considerations, concerns raised by local residents and consultee responses, it is considered that the proposal is acceptable and would accord with the relevant LDP policies.

Finally, 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.

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 and documents:

- Existing and Proposed Floor Plans, received: 28th May 2025.

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

3. **Prior to the beneficial occupation of the building as a House of Multiple Occupation**, a plan indicating the position, height, design, materials and type of bin store/recycling area to be provided, shall be submitted to and approved by the local planning authority. The bin store/recycling area shall be completed as approved, prior to the beneficial use of the HMO.

Reason - To ensure that the new development will be served by appropriate bin store/recycling areas, in the interests of residential amenity to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Prior to the beneficial occupation of the building as a House of Multiple Occupation**, 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.