

Agenda Item 4

DATE WRITTEN	23rd May 2025
REPORT AUTHOR	Judith Jones
CASE OFFICER	Marlene Ferreira
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	4th June 2025

Application No. P/25/0101	Date 10th April 2025	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Change of use from 5 bedroom dwelling (C3 use class) to a 6 bed HMO (C4 use class)	1 Cwm Cottages Walter Street Dowlais Merthyr Tydfil CF48 3AP	Mr Trevor Claybrough c/o Mr Paul Parsons Creation Design Wales Room 229 The Innovation Centre Festival Drive Victoria Business Park



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Councillor Declan Sammon 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 parking availability, on-street congestion, highway safety and pedestrian safety.

APPLICATION SITE

The application site relates to an existing semi-detached dwelling, 1 Cwm Cottages, located in the area of Dowlais. The property, which is currently vacant, is located near the corner of Walter Street with Broad Street. It fronts Walter Street to the west, adjoins the boundary with 19 Regent Street to the north, and adjoins the boundary with 2 Cwm Cottages to the east and south. The dwelling is served by on-street parking only. Whilst the highway (Walter Street) is a narrow road, the nearby residential streets provide unrestricted on-street parking provision.

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 6 bedroom House of Multiple Occupation (HMO) (C4 Use Class).

The property would be reconfigured internally in order to provide a HMO and would be served by a kitchen/dining area, utility room and 2 en-suite bedrooms at ground floor and 4 en-suite bedrooms at first floor. The kitchen/dining area and utility room would be shared amongst its occupiers. The rear garden would also be shared by its occupiers. A bicycle stand (for 6 bicycles) would be located in the rear garden and a bin store/recycling area would be located in the side garden. The submitted plans indicate that other than the installation of replacement windows (within the existing openings) to the front elevation (which would not require planning permission), no other alterations are proposed to the elevations of the property and as such, no new window openings and/or extensions would be undertaken in association with this proposal.

PLANNING HISTORY

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

CONSULTATION

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

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

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 11th April 2025 and a site notice was displayed within the vicinity of the site on the 29th April 2025.

A total of 8 letters of objection and a petition with 40 signatures were received following the publicity exercise. A summary of the issues raised are outlined below:

- It has been highlighted that there are criminals already living in the area which has resulted in an increase to criminal activity and anti-social behaviour. There are concerns that allowing a HMO in this location would only exacerbate these concerns.
- Walter Street is a narrow road and any works which may be undertaken to the property would obstruct the main highway and prevent residents from accessing their property.
- There are concerns about the type of persons that may occupy the property, whom may also have criminal backgrounds. Such occupiers would be unsuitable for a street with vulnerable individuals, including single mothers, children and the elderly.
- The area suffers from severe problems with limited parking availability and congestion.
- The provision of a HMO would result in disruptions and other nuisances that would deteriorate the existing quiet and safe street;

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 6 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 exterior of the dwelling, other than the installation of new UPVC replacement windows. Therefore, this proposal, in terms of visual impact, would not have any adverse impact on the appearance of the property or the character of the wider area. Indeed, the replacement windows would improve the appearance of the vacant property, which appears 'tired' and in need of renovation.

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 6 bedroom HMO along Walter Street would lead to an over-concentration of HMO's resulting in significant harm to the street's residential character, which would justify the refusal of the application on this basis. As such, the proposal would comply with LDP Policy SW11.

Residential Amenity

In terms of the impact on residential amenity (i.e. noise and disturbance and overlooking from the existing windows) it is not considered that the proposed 6 bedroom HMO would be significantly different to the existing use, as a 5 bedroom residential dwelling. Indeed, the proposed internal alterations could be undertaken at any time without the need for planning permission by an existing family to accommodate 6 bedrooms. 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.

It is acknowledged as a result of the publicity exercise, that representations have been submitted by local residents raising concerns in respect of anti-social behaviour, crime and public safety. It is also recognised that there are concerns surrounding the type of occupiers that the proposed HMO may attract. The concerns associated with the potential for an increase in anti-social behaviour, which is not necessarily unique to HMO developments and can also occur within any family home, would be a matter to be addressed between a number of agencies, particularly the Police, Public Health and Protection and through the management of the property by the landlord.

The planning process is concerned with the use of the land, rather than the behaviour of future occupiers which cannot be controlled through planning. Therefore, concerns relating to the future occupiers of the 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, to demonstrate that the proposal would increase anti-social behaviour, noise and disturbance, or cause a risk to the safety of surrounding residents.

In respect of overlooking and loss of privacy, no additional overlooking would result from first floor windows, since no new windows/openings would be created in association with this proposal. The proposed development would therefore be considered to comply with LDP Policy SW11.

Ecology

The proposed development involves works to the internal layout of the property only and does not involve any external alterations other than the addition of replacement windows on the front elevation. Although it is acknowledged that the Council's Ecologist has requested the submission of Preliminary Ecological Appraisal and Preliminary Roost Assessment, given the extent of the works, such a request would be deemed disproportionate and unreasonable. It has therefore been concluded that no survey work would be required 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. It is noted that the application is supported by a Green Infrastructure Statement which includes biodiversity enhancements in the form of a bat box and a sparrow box at first floor, on the eastern rear elevation. To ensure the proposed biodiversity enhancements are implemented, this can be secured by condition. It is also noted, that the rear garden currently appears overgrown and in a poor state. It is proposed that the garden would be improved and maintained in good order. It is therefore considered that the development, as proposed, would 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 does not benefit from any dedicated on-site parking provision to serve

the existing 5 bedroom dwelling or the proposed 6 bedroom HMO. It is also recognised that Walter Street is a narrow road and as such does not allow for any on-street parking provision. However, despite the proposed increase in the number of bedrooms, the parking requirements associated with a 6 bedroom HMO would not differ to that associated with the existing 5 bedroom dwelling. As such, the Head of Engineering and Highways has not raised any concerns or objections to the change of use, as the deficit in parking continues to be a maximum of 3 parking spaces, whether it is used as a 5 bedroom residential property or a 6 bedroom HMO.

It should also be noted that the application site lies near 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 serve the parking requirements of the existing dwelling. It is also noted that the site lies within 250m of Victoria 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 location, the parking requirements, it is not considered that the lack of on-site parking would give rise to any significant highway or pedestrian safety concerns.

It is acknowledged that local residents have raised concerns in respect of the existing on-street congestion and the additional parking pressures that this 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. It is noted that some of the objections referred to concerns regarding the type of occupiers who may reside at the property, and the reduction in property values, however these are not material planning considerations. It has been highlighted that this proposal may cause some distress and anxiety amongst surrounding residents, including vulnerable and elderly individuals, particularly in response to the potential occupiers of the HMO. Whilst the concern for the wellbeing of residents is noted, the future occupiers of the property, as referred to earlier, is a matter that cannot be controlled through the planning process. It was also highlighted that any works at the property may result in the obstruction of the narrow front highway, Walter Street. In the event that this should occur, it is also a matter that lies outside the planning remit, and instead, would be addressed by the Council's Engineering and Highways Section. Consideration has been given to the impact of the proposal on the amenities of surrounding residents, and as the property would continue to be used for residential purposes, the proposal would not be considered significantly different to the existing use that may otherwise be detrimental to nearby occupiers.

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:

- Proposed Ground Floor Plan Drawing Number 24-014-P03A, received: 10th April 2024;
- Proposed First Floor Plan Drawing Number 24-014-P04A, received: 10th April 2024;
- Proposed Elevations Drawing Number 24-014-P05, received: 10th April 2024;
- Proposed Site Plan Drawing Number 24-014-P06, received: 10th April 2024;

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

3. **BEFORE WORKS COMMENCE ON SITE**, a plan indicating the positions, height, design, materials and type of bicycle bays to be provided, shall be submitted to and approved by the local planning authority. The bicycle bays shall be provided in accordance with the approved details, prior to the beneficial use of the HMO.

Reason - To ensure that the new development will be visually acceptable and to encourage the use of sustainable modes of transport, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **BEFORE WORKS COMMENCE ON SITE**, 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.

5. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

6. **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.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence. All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. The Environmental Health Manager has advised the following:

- Escape routes should have sound, conventional construction and should not pass-through risk rooms. Conventional doors opening onto escape route should be well constructed and close-fitting. Walls and floors should be of sound, conventional construction. Where construction standards are poor, travel distances are long, or other higher risk factors are present, a 30 minute protected route may be required.
- If cellar/basement present, 30 minutes separation to cellar/basement including door OR accept sound traditional construction in good repair.
- Fire blanket in kitchen.
- Simple multi-purpose fire extinguisher in the hallway recommended.
- Fire alarm system - Grade D1 LD2
- A system of smoke detectors / alarms in the escape route and all other high fire risk rooms to include bedrooms, living rooms and cellars (excluding toilets, bathrooms or shower rooms), and heat detector / alarm in the kitchen all sited in accordance with the recommendations of BS 5839-1:2017 for a Category L2 system.