

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0636/COU 05.08.2020	Mr J Furneaux 13 Edgemoor Close Upper Killay Swansea SA2 7HJ	Change the use of a 4 bed terraced house (C3) to a 6 bed traditional bed-sit style HMO (C4) 17 High Street Rhymney Tredegar NP22 5NB

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The site is located within the Conservation Area of Rhymney along the main High Street.

Site description: The semi-detached three-storey building features painted render with one side featuring a bay window to the ground and first floor. A raised patio area leads to a parking area for 3 vehicles situated adjacent the highway to the front elevation which has an entrance and exit enabling vehicles to enter and leave in a forward gear.

Development: Change the use of a 4 bed terraced house (C3) to a 6 bed traditional bed-sit style.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: Cycle rack to rear and bin storage area.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Caerphilly County Borough Local Development Plan (2010).

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Policies: Policy SP5: Settlement Boundaries, Policy SP6: Place Making, Policy SP21: Car Parking, Policy CW2: Amenity, Policy CW3 Design Considerations: Highways and Policy CW15: General Locational Constraints.

Supplementary Planning Guidance: Supplementary Planning Guidance LDP5 - Car Parking Standards.

NATIONAL POLICY

Planning Policy Wales (Ed. 10).

The Planning (Listed Buildings and Conservation Areas) Act 1990.

Technical Advice Note 24: The Historic Environment and Conservation Principles.

Welsh Government Houses in Multiple Occupation: Practice Guidance (March, 2017).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a high risk area.

CONSULTATION

Head Of Public Protection - No objections, attach advice from Housing Officer.

Transportation Engineering Manager - No objection subject to conditions to control car parking.

Conservation & Design Officer - There appear to be no proposals for the external fabric of the existing building, that in terms of its historic fabric, would not in itself, have any harmful impact upon the character or appearance of the conservation area provided that it was not allowed to deteriorate and over time affect detrimentally the amenity of the property itself or its surroundings.

However, consideration should be given on the likely impact that this type of change of use may have on the wider neighbourhood and this likelihood increases where there are a number of such properties already in the area.

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Welsh Government has produced recent relevant guidance on the considerations needed to be mindful of, in the proposed change of use of such properties to HMOs in their document 'Houses in Multiple Occupation: Practice Guidance March 2017.

Paragraph 1.5 states:

Where there are high concentrations of HMOs, the Review confirmed that common problems include:

- Damage to social cohesion with higher levels of transient residents and fewer long term households and established families, leading in the long term to communities which are not balanced and self-sustaining;
- Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
- Increases in anti-social behaviour, noise, burglary and other crime;
- Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs;
- A change of character in an area through a tendency for increased numbers of takeaways, discount food stores and letting agencies;
- Increased pressure on parking;
- Reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls.

Conclusion

I am concerned about the key issues raised in paragraph 1.5 of the WG Guidance on HMOs and the increased likelihood that these matters will make an already challenged Town Centre into a more problematic one that will strip the community of its special 'character or appearance', that the legislation states that local planning authorities are duty bound to 'preserve or enhance'.

Recommendation

Refusal of this application in that it is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that,

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

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Reasons:

- 1) To preserve or enhance the character or appearance of the conservation area;
- 2) For the proper development management of the historic environment.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of site notice, press advertisement, and 16 No. neighbour notification letters.

Response:

51 x third party representations (summarised):

- Concern for family due to feeling unsafe in Rhymney due to the residents in existing HMO's.
- Proposed HMO not beneficial to the area.
- High Street is already congested.
- Lack of parking.
- Number of police/anti-social incidents recently.
- Many flats in the area already.
- The High Street has become a 'no go' area.
- Effect on house prices.
- Current situation in Rhymney is having an effect on mental health and wellbeing of many people.
- Overconcentration of HMO's in the area.
- A balanced mix of housing types needed.
- No outdoor amenity space for occupants.
- Adverse impact on the Conservation Area.
- Proposal contradicts the Well-being of Future Generations Act.

Summary of observations:

Issues of safety, crime, anti-social behaviour, house prices, health and the behaviour of future occupiers are not a material to the consideration of this application. However, parking and highway safety, the over concentration of HMO's and the consequential impacts upon the mix of housing, community cohesion and the character and appearance of the Conservation Area, together with the Well-being of Future Generations Act are material considerations which are addressed in the appraisal below.

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

The Local Planning Authority has no control over who the occupants of the proposed development would be, their behaviour or what their particular background is. As such, the end user of the proposal is not a material planning consideration.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The proposed development only affects the interior of the building. Therefore, the proposal is not liable for CIL.

ANALYSIS

The main issues to consider in this instance relate to the acceptability of the proposal in principle and to the impact upon the character and appearance of the Rhymney Town Conservation Area, the amenity of the area and highway safety.

The application site is located within a settlement boundary as designated by the maps contained within the Caerphilly County Borough Local Development Plan (2010). Therefore, the principle of development is accepted, subject to other material planning considerations.

The application site is, however, also located within the Rhymney Town Conservation Area, therefore the proposal should be considered against the provisions of Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to ensure that any development within a Conservation Area preserves or enhances the character and appearance of that area.

The proposed development would not involve any alterations to the external appearance of the existing dwelling. A cycle rack and bin store are, however, proposed to the rear curtilage of the building and to ensure that these would not have an adverse impact on the character of the Conservation Area, full details will be secured by condition. Subject to condition, therefore, the physical works associated with proposal are considered to preserve the character and appearance of the Conservation Area.

With regard amenity impact it is not considered that the use of the existing dwelling as a shared house for up to 6 people living together would, in planning terms, raise any new material amenity issues in terms of noise, disturbance, amenity space requirements or impact upon privacy.

A number of concerns have been raised by third parties and by the Council's Conservation Officer regarding the concentration of HMO's in the area and perceived impact upon issues of social cohesion, the amenity and character of the area and Conservation Area.

There are no specific policies in the LDP relating to this issue, however, in 2015 the Welsh Government commissioned a study into the impact of HMO concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study also revealed common problems associated with high concentrations of HMOs in some areas including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in antisocial behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on school through falling rolls.

In this respect the research identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission. Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016)'. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

In this instance Council records indicate that there are only 5 HMO's within Rhymney as a whole and no HMO's within at least 100 metres of the application site.

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On this basis the number of HMO's within the area is low and well below the 10% threshold identified in Welsh Government research. As such, the proposal would not lead to an overconcentration of HMO properties within the area or have a negative impact upon the social cohesion of the community. It is not considered therefore that a recommendation of refusal could in any way be justified on these grounds and the proposed use of the site as a HMO is considered to be compatible with neighbouring residential land uses. Therefore, the proposal is considered to be in accordance with Policy CW2.

With regard parking and highway safety the Highway Authority raise no objections subject to the provision of one additional car parking space to accommodate visitor parking requirements. In this respect 3 car parking spaces are shown on the both the proposed and existing plans and to the rear of the property is situated a hardstanding area which is capable of providing an additional car parking space accessed via an existing lane off the High Street. As such, 3 residents' car parking spaces and 1 visitor space will be secured by condition and on this basis the proposal is regarded as acceptable and in accordance with Policy SP21 and SPG LDP5.

To conclude, while concerns have been raised regarding the amount of HMO properties within Rhymney, it cannot be argued that there is an overconcentration of such uses in the area and as a consequence it is considered that the proposal would not have an unacceptable impact upon the amenity of the area or the character of the Rhymney Conservation Area. Adequate off street car parking can also be provided and no physical alterations are proposed. Subject, therefore, to conditions relating to bike and refuse storage and off street car parking the application is recommended for approval.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and in providing the sustainable use of existing housing stock to meet housing needs it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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- 02) The development shall be carried out in accordance with the following approved plans and documents:
Proposed Site Plan (Received: 31/07/2020).
Proposed Second Floor Layout (Received: 31/07/2020).
Proposed Ground Floor Layout (Received: 31/07/2020).
Proposed First Floor Layout (Received: 31/07/2020).
Site Location Plan (Received: 06/08/2020).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority which provide 4 off-street parking spaces within the curtilage of the site. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety to ensure that adequate parking facilities are provided within the curtilage of the site.
- 04) Prior to the commencement of development, full details of the cycle rack and bin store detailed on the proposed plans shall be submitted to and agreed in writing by the Local Planning Authority. The approved cycle rack and bin store shall be provided prior to the first beneficial occupation of the development hereby approved and shall thereafter be maintained as such.
REASON: In the interest of highway safety and to ensure the proposal preserves or enhances the designated Conservation Area in accordance with Section 72(1) of the Planning Listed Building and Conservation Areas) Act 1990.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

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Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

