

**Application Number:** 21/0509/COU

**Date Received:** 04.05.2021

**Applicant:** D2 Propco Ltd

**Description and Location of Development:** Change the use to HMO from domestic dwelling - 92 Van Road Caerphilly CF83 1LD

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: The application property is located at 92 Van Road, Caerphilly.

Site description: The application property is a mid- terraced two storey dwelling in a residential area on the outskirts of Caerphilly Town. The property currently has three bedrooms with a living room, dining room and kitchen on the ground floor.

Development: This application seeks full planning permission for the change of use of the property to a small HMO to house four people. The proposed property will have a sitting room, kitchen and bedroom on the ground floor with three bedrooms and a bathroom on the first floor. There will be no external alterations to the property.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking:

### PLANNING HISTORY 2010 TO PRESENT

None.

### POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan (2010)

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), and CW15 (General Locational Constraints).

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

NATIONAL POLICY Planning Policy Wales;

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? Not Applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

CADW - No comments received.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice, press advertisement and neighbour letters.

Response: 69 third party representations were received. A number of these were multiple objections from the same individuals.

Summary of observations: 1. Concern at having convicted criminals or a halfway house nearby.

2. Safety of children in the area.

3. Loss of privacy.

4. Residents have not been informed of the proposal and the Council has not followed the correct consultation process.

5. The proposal will change the character of the area and lead to a reduction in family accommodation.

6. Lack of parking.

7. Increase in traffic and therefore emissions.

8. Increase in noise disturbance.

9. Anti social behaviour.

10. Loss of property value.

11. The accommodation would not provide adequate facilities for tenants.

12. What type of offenders would be housed in the property?

13. What risk assessments have been carried out to demonstrate due diligence in this matter?

14. What safeguards have been put in place to deal with issues if the use causes problems for the area?

#### 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

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The proposal comprises the change of use of 92 Van Road from a dwelling (C3) to a House of Multiple Occupation (C4). The application site is within the defined settlement boundary and the proposal is acceptable in principle conforming with the requirements of Policies CW15 (General Locational Constraints) and SP5 (Settlement Boundaries).

In respect of housing delivery the national planning guidance document Planning Policy Wales (PPW) acknowledges that there must be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.11). Caerphilly County Borough currently has a severe shortage of this type of property and heavily relies on bed and breakfast accommodation to meet the shortfall. It is therefore considered that the proposal will assist with the provision of emergency accommodation and contribute to meeting the needs of the community in line with Planning Policy Wales.

The Welsh Government published a practice guidance note on Housing in Multiple Occupation in March 2017 which advised that "HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. Concerns can arise with the management of HMOs because of the

transient nature of many tenancies, with many residents on low incomes and/or from vulnerable groups, the intensive use of shared facilities and lack of interaction between residents who may be complete strangers to each other. Consequently, HMO use of a house will generally be more intensive than single household use. This may have an impact not just on the residents in an HMO but on the wider neighbourhood and the likelihood of this increases where there are high concentrations of such properties." (Paragraph 1.3 WG HMO practice guidance note).

In terms of this application the proposed building has an established use as a dwelling (Class C3) with 3 bedrooms and therefore this use has an existing impact on the nearby residential properties. The proposed change of use would increase the capacity of the building to a total of 4 bedrooms. It is not considered that the addition of this one bedroom would lead to a significant increase in activities at the property over and above that which could occur with the lawful use of the building. It is conceivable that there could be 4 adults living in the property at present without the need for planning consent and this proposal would not materially change this.

In terms of the impact on surrounding residential properties, it is noted that the new accommodation proposed only relates to the change of the existing living room to a bedroom and the dining room to a living room. Again it should be noted that this could occur without the need for planning consent and it is not considered there will be a significant impact on the amenity of neighbouring dwellings as a result of this proposal.

With regard to the above concerns contained in the Welsh Government practice guidance it should be noted that it is stated that these issues can arise when there are concentrations of HMO's in a particular area. The research document suggested 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. In this instance it should be noted that there are 10 licensed HMO's and in the region of 200 unlicensed HMO's in the Caerphilly County Borough and that these are spread throughout the area. In that context, therefore, it can not therefore be argued that there is a high concentration of Houses of Multiple Occupation in the immediate vicinity of the application site or within Caerphilly County Borough as a whole and therefore it is not considered that a cumulative impact of such HMOs would have an unacceptable impact upon the character and amenity of the area. The proposal in itself would not significantly change the character of the area and as such the development accords with adopted Local Development Plan Policy CW2 (Amenity).

The proposal has including sufficient parking and the Highway Authority has raised no objection to the development. It accords with adopted Local Development Plan Policy CW3 (Highways).

Comments from public: 1. Concern at having convicted criminals or a halfway house nearby - This is an application for the change of use of a dwelling to a dwelling for use by persons not living as a single household and as stated above it is not considered that the proposal would materially affect the character of the area. This is not an application for a medium or high secure facility where residents are not considered suitable to live within the community and the application should be considered on that basis. As such it is not for the Local Planning Authority to consider whether any potential tenants of the property are suitable in that regard.

2. Safety of children in the area - This is addressed above and is not a material planning consideration.

3. Loss of privacy - The proposed use would have no greater impact on the privacy of neighbouring dwellings than the lawful use of the building in planning terms.

4. Residents have not been informed of the proposal and the Council has not followed the correct consultation process - In this regard the complainant refers to information provided in a research document published by Welsh Government. That document sets out the procedure for serving a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 taking away permitted development rights for changes of use to dwellings. As planning consent is required in this instance the service of such a direction is not necessary. Moreover, the requirements set out therein do not apply to advertisement in respect of planning application which are covered by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. It can be confirmed that the application has been advertised in accordance with the relevant legislation.

5. The proposal will change the character of the area and lead to a reduction in family accommodation - As stated above, there is not a high concentration of such uses in the Caerphilly area and the change of use of one property to a HMO use would not significantly change the existing character of the area.

6. Lack of parking - At present the property has one off street parking space serving a three bedroom property. The proposed scheme would have two spaces serving four bedroom property. This is in accordance with the adopted supplementary planning guidance.

7. Increase in traffic and therefore emissions - It is not considered that the proposed change of use and addition of one bedroom would lead to a significant increase in traffic over and above that which would be possible in the existing dwelling and as such the proposal is considered to be acceptable in this regard. Furthermore, as there would be no significant increase in traffic there would be no material increase in emissions.

8. Increase in noise disturbance - Whilst there may be an increase in noise from the proposed use it is not considered that this would be material different to that which could be expected from family dwelling or to such an extent that refusal of this application would be justified. In any event, statutory nuisance issues are covered under other legislation.

9. Anti-social behaviour - This is not a material planning consideration and is an issue for the Police.

10. Loss of property value - This is not a material planning consideration.

11. The accommodation would not provide adequate facilities for tenants - The proposal includes 4 bedrooms, kitchen, sitting room, relatively large garden and parking spaces to the rear which is considered to provide adequate amenity for the future occupiers.

12. What type of offenders would be housed in the property? - This is not a material planning consideration.

13. What risk assessments have been carried out to demonstrate due diligence in this matter? - It is not for the Local Planning Authority to carry out risk assessments in this regard. Such issues are covered under other legislation.

14. What safeguards have been put in place to deal with issues if the use causes problems for the area? - It is not for the Local Planning Authority to set out safeguards in this regard. Such issues are covered under other legislation.

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.

In conclusion it is considered that the proposal is acceptable in planning terms and is recommended for approval subject to conditions.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 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.
- 02) The development shall be carried out in accordance with the following approved plans and documents: 2800 C.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The development shall not be brought into beneficial use until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) Prior to the use hereby approved coming into beneficial use all hard surfacing within the curtilage(s) shall have been:
- 1) Constructed in porous or permeable materials, or
  - 2) Provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, and
  - 3) Where a surface is to be used as a parking area or drive it shall not be constructed in loose materials, and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
- REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.
- REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The development shall not be occupied until covered and secure cycle parking facilities have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.