

Application Number: 21/0564/COU

Date Received: 01.06.2021

Applicant: Ace Properties & Developments Ltd

Description and Location of Development: Change the use of part of the building to HMO temporary accommodation - Unit 2 Victoria House Victoria Road Rhymney Tredegar

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located off Victoria Road and to the rear of High Street, Rhymney.

Site description: The application property is a pre-fabricated single storey concrete building with a flat roof and a car park to the side. The building is accessed via a lane off Victoria Road and to the rear of High Street and is currently in a mixed use as a HMO, cafe and office and training facilities.

Development: The application seeks full planning consent for the change of use of part of the building to provide an additional 6 HMO bed sits together with a communal living room, bathroom and kitchen. There would be no external alterations to the building.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: Three additional parking spaces would be provided within the curtilage of the site.

PLANNING HISTORY 2010 TO PRESENT

140268/CLEU - Obtain a Lawful Development Certificate for the existing D1 use - Granted 23.06.2014.

15/1241/FULL - Redevelop site with 8 residential units (3 No. 3 bed units & 5 No. 2 bed units) and associated parking - Granted 12.07.2016.

18/0904/COU - Change the use of part of building to A3 cafe/takeaway - Granted 07.01.2019.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policies: SP31 (Development in the Heads of the Valleys Regeneration Area), 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 comment.

Head Of Public Protection - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and eighteen neighbours were notified by letter.

Response: 212 letter of objection and a petition containing 1397 signatures were received.

Summary of observations:

1. Life in Rhymney has already become unbearable with the influx of people from outside of the area.
2. The building is not fit for purpose and not suitable for people with mental health issues.
3. There are already a lot of HMO's in Rhymney leading to an increase in crime and anti-social behaviour.
4. The proposal would lead to a reduction in house prices.

5. The proposal would increase the risk of Covid 19.
6. There has been an increase in rats and vermin since the cafe opened in the building.
7. The appearance of the building is unattractive.
8. The proposal would have a detrimental impact on the conservation 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?

There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable as the building has been in lawful use for six months within the past 36 months.

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 part of Victoria House from a cafe, office and training facility 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 mixed use as a HMO (C4) with 7 bedrooms, a cafe and offices and training rooms 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 13 bedrooms. It is not considered that the change of use of the cafe and offices 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.

In terms of the impact on surrounding residential properties, it is considered that the lawful cafe use would give rise to significant movements of vehicles and people to and from the premises and this is alluded to be objectors' who allege that there are vermin and waste issues associated with that use. It should also be noted that there are already 7 HMO's units at this property and the additional 6 units would not significantly change the character of the building. As such it is not considered there will be a significantly greater 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 cannot 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. Life in Rhymney has already become unbearable with the influx of people from outside of the area - This is not a material planning consideration.
2. The building is not fit for purpose and not suitable for people with mental health issues - It is for the Housing Department to consider whether a property of this type is fit for purpose. They have been consulted on this application and no objection has been raised in this regard.
3. There are already a lot of HMO's in Rhymney leading to an increase in crime and anti-social behaviour - This issue is discussed above. Whilst it is noted that there are two separate buildings in use as HMO's in the Rhymney Town Centre, it is not considered that represents a tipping of the balance as discussed above as this does not meet the 10% threshold referred to in government guidance.
4. The proposal would lead to a reduction in house prices - This is not a material planning consideration.
5. The proposal would increase the risk of Covid 19 - This is not a material planning consideration.
6. There has been an increase in rats and vermin since the cafe opened in the building - This application would lead to the loss of the cafe use and as such any such issues are not material to the determination of this application.
7. The appearance of the building is unattractive - There are no amendments to the external appearance of the building proposed and as such this is not material to the determination of this application.
8. The proposal would have a detrimental impact on the conservation area - Local Planning Authorities are charged with having special regard for preserving the character of the conservation area. The conservation area seeks to protect the traditional architectural character of the area and of the traditional buildings within it. The application property is a modern structure built as a Health Centre in the 1960's and as such it has no architectural merit. As no external alterations to the building are proposed there would be no impact on the character of the area. With regard to the use of the building it is not considered that the additional use for HMO accommodation would have any impact on the historic character of the area.

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 it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

In conclusion it is considered that the proposal is acceptable in planning terms and as such is recommended for approval.

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: Location Plan and Proposed Floor Plan.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the approved plans before the development hereby approved comes into beneficial use 3no additional off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
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 occupation of the dwelling(s) hereby approved 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.