

**Application Number:** 22/0018/RET

**Date Received:** 11.01.2022

**Applicant:** Lilyalex Properties Limited

**Description and Location of Development:** Retain and complete the change of use from office accommodation to HMO to be used for Emergency Housing/Move on Accommodation for the homeless (Sui Generis) and associated works - Chambers House 49 Blackwood Road Pontllanfraith Blackwood NP12 2BW

**APPLICATION TYPE:** Retain Development Already Carried Out

#### SITE AND DEVELOPMENT

Location: The application property is located on the western side of Blackwood Road, Pontllanfraith.

Site description: A Large detached part two storey/part three storey building with a single storey rear annexe in an elevated position on rising ground above Blackwood Road, Pontllanfraith.

Development: Full planning permission is sought to retain and complete the change of use from office accommodation to HMO to be used for Emergency Housing/Move on Accommodation for the homeless (Sui Generis) and associated works.

Dimensions: The external footprint of the building remains unchanged. Depth of existing buildings from front porch to rear elevation of annexe 26.29 metres, width at widest point i.e. width of annexe 12.29 metres.

Materials: To match existing.

Ancillary development, e.g. parking: Installation internally of new level in annexe to create a first floor with stairs; new door/window openings at ground floor to rear elevation to facilitate direct access into new studio accommodation being created. Change in style of four of the existing five windows to first floor rear elevation of annexe. Formation of new door opening from corridor to north side elevation of annexe.

PLANNING HISTORY 2010 TO PRESENT 20/1035/CLPU - Obtain a Lawful Development Certificate for proposed emergency residential accommodation for the homeless for a twelve month period, which is to be operated by Caerphilly Keys - Granted 30.03.2021.

#### POLICY

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

Site Allocation: Within settlement limits.

Policies: SP2 Development Strategy - Development in the Northern Connections Corridor, SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), and CW15 (General Locational Constraints).

NATIONAL POLICY Future Wales - The National Plan 2040, Planning Policy Wales 11th Edition (February 2021) and Technical Advice Note 12: Design (2016). 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? Not applicable due to the nature of the application.

### CONSULTATION

Transportation Engineering Manager - CCBC - No objection.

Environmental Health Manager - CCBC - No objection raised.

CCBC Housing Enabling Officer - No objection raised.

Senior Engineer (Drainage) - No objection raised seeks the imposition of a condition - Condition: Prior to the commencement of works on site a scheme of land and surface water drainage (inclusive of watercourses) within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.

Police Architectural Liaison Officer - No response received.

### ADVERTISEMENT

Extent of advertisement: Two adjoining properties were notified of the application by letter and a site notice was displayed opposite the premises.

Response: Five responses have been received.

Summary of observations: The comments received can be summarised as follows:-

1. Large window facing property presumably a bathroom as often see naked men.
2. Has fire certificate been issued.
3. No disabled access.
4. Property was never intended for living accommodation.
5. What assurances have been given that no ex-prisoners will be housed at the property, worried about sex offenders with children's playground opposite.
6. No room for bins they are all over the pavement.
7. Abandoned car left in rear lane, Police had to be called.
8. No parking within the site.
9. Resident for 38 years no problems when premises were being used as a County Court or subsequent use both of which were 9-5. During COVID, Chambers House sold at auction and converted into HMO, without consulting the residents who were presented with a done deal by the Council for 1 year without planning permission. Over recent months have been woken in the early hours and late at night by car doors banging constantly, headlights shining directly into bedroom and engines being left running. Details of cars taken and all have connections with Chambers House. Initially owners were responsive to concerns expressed by residents. During December 2021 and January of this year their attitudes changed. Contractors on site working, and then application for permission to extend the level of accommodation was submitted. Neither the owners nor the architects have contacted neighbours regarding the proposal. Number of occupants to increase substantially, but the application states there will be no employment as a result. We are not happy that there will be no staff on the site to manage/monitor the premises.
10. Increase in accommodation will result in alterations to the premises particularly to the rear, and result in problems of access, refuse and 24 hour usage.
11. Residents are being ignored by the owner and the Council.
12. It is noted from correspondence the phrase HMO is applied to the premises. Has lived and worked in Blackwood for 58 years and knows the building. It is not a house and has never been used for residential purposes, it is a commercial building it is by definition being used as a hostel, which requires more stringent authorisation. Owners are taking advantage of COVID regulations to continue use when the restrictions are being lifted.
13. Close proximity of existing building to boundary extending full length of side boundary with side windows that look into garden.
14. At higher level than neighbours dominates rear garden areas infringing on privacy.
15. Risk assessments in respect of the potential occupants of the premises.
16. Appropriateness of the building for the proposed use.

## 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? The building has been used for its lawful use for six months within the past three years and therefore the development is not CIL liable.

#### 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 on the character of the area.

The site comprises a large detached, part two storey/part three storey building with a single storey rear annexe; the buildings occupy the major part of the site and in the past has been in use as a County Court. In 2008 planning permission was granted to change the use of the premises from a County Court to a mixed use of B1 (offices) and D1 (Non Residential Institutions, specifically for crime reduction initiative). In December 2020, an application for a lawful development certificate was submitted in respect of the proposed use of the front part of the building as emergency residential accommodation for the homeless, for a twelve month period, to be operated by Caerphilly Keys. A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application. There is no requirement for neighbouring properties to be consulted in respect of such an application. The description of the proposed use of the building was to provide emergency residential accommodation for the homeless for a twelve month period with the Council providing the operational management of the temporary accommodation to meet its obligations under part 2 of the Housing (Wales) Act 2014 in addition to Welsh Government's focus on rapid re-housing as a solution to homelessness through the Covid-19 pandemic.

The assessment had to be made as to whether the proposal would accord with Schedule 2, Part 12 A of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020. The matters to be considered when determining such an application are purely matters of fact. On the basis that the

proposal complied with the requirements of the legislation referred to, the Local Planning Authority was obliged to issue a Certificate confirming that was the case. That decision was issued on 30th March 2021 and the use commenced in July 2021.

The site rises from the Highway frontage comprising a high stone faced retaining wall. The buildings are above the road level and are accessed by means of steps leading up from pavement level. There is no vehicular access into the building from the front or rear. To either side of the premises are dwellings, to the rear are school paying fields on the opposite side of Blackwood Road is open space.

Full planning permission is being sought for a change of use from office accommodation to a house in multiple occupation to be used for emergency housing/move on accommodation for the homeless (Sui Generis) and associated works. 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).

The existing plans indicate that the main building to the front of the site extends over three floors, and is divided internally into rooms of various sizes together with WC's which would have served the previous uses of the building. The flat roofed building to the rear of the site which is at a higher level is currently shown as internally having one floor level. There is an existing elevated link between the rear of the main building at first floor level and the single floor of the annexe, providing an internal connection between the two. There is also a separate external front entrance into the annexe via the southern side of the main building. There are single pedestrian doors to the northern side of the annexe and one to the southern side of the rear elevation. The proposed plans do not show any changes to the layout to the 'lower ground floor' of the main building behind the main entrance to the building. However a new window opening is shown at ground floor level on the southern side elevation and would appear to serve the room marked GF13. The proposed layout for the first floor shows seven rooms for single persons, bathroom utilising existing WC, new showers and a kitchen above the main entrance. Three of the rooms in this part of the building will have kitchenettes. Within the main building three further single person room are indicated on the second floor. In relation to the ground floor of the building to the rear, internally this has been re-configured to form five separate units described as studios, each has kitchen and bathroom facilities, three of these are indicated as being for a single person, two are for two persons and one can accommodate 1 /2 persons. The existing windows to the southern elevation are indicated as being obscurely glazed. Two of these, towards the front of the building are shown to serve an internal hallway. Two towards the rear, serve living accommodation. Three new door/side window openings are indicated to the rear elevation of the annexe at ground floor level, these together with an existing door which is being utilised will provide external access to four of the units described above. It is intended to add an additional floor within the annexe to create a first floor level accessed by a new stairs within the building. The proposed plan indicates that a further three single person studio units will be formed on the newly create floor level. There are existing windows at this height to the rear elevation facing the playing fields and front

elevation which faces the main building. The design of four of those windows in the rear elevation are shown as being changed to side hung casement windows. A new door opening is shown at ground floor level to the northern side elevation of the annexe.

In respect of housing delivery the national planning guidance document Planning Policy Wales (PPW Ed. 11) acknowledges that there must be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.12). 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.

PPW also advises that "Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure on greenfield sites" (paragraph 4.2.17). In terms of the application site it conforms to the definition of 'previously developed land' as set out in PPW and is underutilised, having been vacant for a number of years. The proposal therefore accords with the aim to better utilise previously developed land located within the defined settlement boundary. Its close proximity to main bus routes locally and via these to railway links to the wider area, and its location within walking distance of Blackwood, a principal town in the borough, would make this a sustainable location in regard to accessibility to services and shops.

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 a 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).

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. There is not a high concentration of Houses of Multiple Occupation

in the immediate vicinity of the application site and in that context, the Local Planning Authority is not in a position to argue that the cumulative impacts of such HMOs together with this application for the proposed change of use would in itself significantly change the immediate character this part of Pontllanfraith or detrimentally impact the current levels of amenity received by the neighbouring occupiers.

Policy CW2 of the Local Development Plan sets out criteria relating to amenity and states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land. In terms of this application the proposal is to retain the current use within the main building and provide accommodation for ten persons, sharing a kitchen, showers, bathroom and toilet facilities. This will involve some re-configuration of internal walls to the first and second floor to create this accommodation, but this will not affect the external appearance of the main building as rooms will be served by the existing window openings already in situ at the time the building was previously in use, however as stated above it is noted that a new window opening is shown on the southern elevation ground floor level, but there is no indication that this is to serve living accommodation. In the building to the rear nine new bedrooms are to be created on the exiting ground floor and the proposed first floor these are 'studio type' and have cooking facilities and bathroom facilities within each unit, meaning there would be less reliance on those occupying them to use shared facilities. Potentially these could accommodate a further twelve persons, giving a capacity of 22 if all the rooms were to be occupied at one time. The new door openings at ground floor level to serve these units are on the rear elevation facing towards the adjacent playing fields which are at a higher level. The existing windows at first floor level also face towards the playing fields. Consequently they face away from the neighbouring dwellings to the north and the south and as a result will not overlook adjacent domestic curtilages. The existing windows to the southern elevation of the annexe at ground level are to be obscure glazed to restrict the potential for overlooking. On this basis it is not considered that the development would give rise to any adverse visual impacts to the character and appearance of the surrounding area.

In terms of its impact on neighbouring amenity, as stated previously, minimal external alterations to the building are proposed and therefore it is not considered that the development would give rise to any loss of privacy or overbearing impacts to the occupiers of the nearest residential properties. In this regard the Head of Public Protection has raised no objection to the proposal. It is therefore considered that the development accords with adopted Local Development Plan Policy CW2 (Amenity).

Policy CW3 states that development proposals should have regard for the safe, effective and efficient use of the transportation network. In that regard the Transportation and Engineering Services Manager has raised no objection to the proposal in that the building is in close proximity to public car parks. On that basis the proposed development is considered to be acceptable in terms of highway safety.

The Senior Engineer (Drainage) has confirmed that SAB approval is not required for the development as it relates to internal works only, but he has requested the imposition of

a condition requiring the submission of a scheme for the surface water drainage of the site for agreement and that the agreed scheme should be carried out before the beneficial occupation of the development. The development relates to the change of use of an existing building which is already connected to serviced drainage. Any new drainage works which may be required to extend or connect to the existing system would fall to be considered under the Building Regulations. It is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition."

In conclusion the proposal complies with Policy CW2 and Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010, as such it is considered to be acceptable in planning terms and it is recommended that planning permission is granted subject to conditions.

Comments from Consultees: No objections raised.

Comments from public: The comments received can be summarised as follows:-

1. Large window facing property presumably a bathroom as often see naked men.

2. Has fire certificate been issued.

LPA Response: With regards to points 1 and 2 these are not considered to be material planning considerations but the Local Planning Authority has been advised that the relevant fire certificates have been obtained.

3. No disabled access.

LPA Response: There is no disabled access. The relevant legislation seeks such provision where it is reasonable to do so.

4. Property was never intended for living accommodation.

LPA Response: The previous use of the building does not preclude an application for a change of use being made.

5. What assurances have been given that no ex-prisoners will be housed at the property, worried about sex offenders with children's playground opposite.

LPA Response: This is an application for the change of use to a house in multiple occupation, 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.

6. No room for bins they are all over the pavement.

LPA Response: Refuse is stored within the site and is put out for collection on the pavement as is the case with surrounding properties.

7. Abandoned car left in rear lane, Police had to be called.

LPA Response: This is not a material planning consideration.

8. No parking within the site.

LPA Response: The Transportation Engineering Services Manager has raised no objection to the proposal. There is a Council car park on the opposite side of Blackwood Road, which would provide sufficient parking if it were to be required.

9. Resident for 38 years no problems when premises were being used as a County Court or subsequent used both of which were 9-5. During COVID, Chambers House sold at auction and converted into HMO, without consulting the residents who were presented with a done deal by the Council for 1 year without planning permission. Over recent months have been woken in the early hours and late at night by car doors banging constantly, headlights shining directly into bedroom and engines being left running. Details of cars taken and all have connections with Chambers House. Initially owners were responsive to concerns expressed by residents. During December 2021 and January of this year their attitudes changed. Contractors on site working, and then application for permission to extend the level of accommodation was submitted. Neither the owners nor the architects have contacted neighbours regarding the proposal.

Number of occupants to increase substantially, but the application states there will be no employment as a result. We are not happy that there will be no staff on the site to manage/monitor the premises.

LPA Response: The Certificate of Lawful Development has been addressed in the main body of the report. It is understood that the car doors banging and car headlights and disturbance for engine noise relates to the use of the public car park opposite the site and is therefore not directly relevant to the consideration of this application. There is no requirement in this instance for the land owner or Agent to contact adjacent land owners to discuss their proposals. With regard to staff present on site, we have been advised that there is currently a presence on site at all times and that should permission be granted the current level of supervision will continue.

10. Increase in accommodation will result in alterations to the premises particularly to the rear, and result in problems of access, refuse and 24 hour usage.

LPA Response: These matters are discussed in the main body of the report.

11. Residents are being ignored by the owner and the Council.

LPA Response: This application is part of a process which affords those who so desire the opportunity to put forward their views on the proposal and to have those views taken into consideration by elected members when coming to a decision.

12. It is noted from correspondence that the phrase HMO is applied to the premises.

Has lived and worked in Blackwood for 58 years and knows the building. It is not a house and has never been used for residential purposes, it is a commercial building it is

by definition being used as a hostel, which requires more stringent authorisation. Owners are taking advantage of COVID regulations when the restrictions are being lifted.

LPA Response: The application is seeking permission to change the use of the premises to that of a residential use. The previous use of a property does not prohibit such a change of use from being sought.

13. Close proximity of existing building to boundary extending full length of side boundary with side windows that look into garden.

LPA Response: The position of the building in relation to the site boundaries and overall scale and massing has not changed and remains as it was when the main building was originally constructed in the early part of the 20th Century.

14. At higher level than neighbours dominates rear garden areas infringing on privacy.

LPA Response: The massing of the exiting building and elevations are unchanged as noted in point 13 above.

15. Risk assessments in respect of the potential occupants of the premises.

LPA Response: This is referred to in point 5 above.

16. Appropriateness of the building for the proposed use.

LPA Response: This has been considered in the main body of the report.

Other material considerations: None.

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.

**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:  
Site Location Plan, Drwg No. 2788 [C] S (O) 01 Rev. B, Received 11th January 2022;  
Lower Ground Floor Plan: Proposed, Drwg. No. 2788 [C] L (O) P201 Rev. A, Dated 11th January 2022, Received 11th January 2022;  
Upper Ground/First Floor Plan: Proposed, Drwg. No. 2788 [C] L (O) P202 Rev. A, Dated 11th January 2022, Received 11th January 2022;  
Second Floor Plan: Proposed, Drwg. No. 2788 [C] L (O) P203 Rev. A, Dated 11th January 2022, Received 11th January 2022;  
Roof Plan: Proposed, Drwg. No. 2788 [C] L (O) P204 Rev. A, Dated 11th January 2022, Received 2022;  
Section/Elevations: Proposed, Drwg. No. 2788 [C] L (O) P205 Rev. A, Dated 11th January 2022, Received 11th January 2022.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) the four windows shown in the southern side elevation serving the corridor and Studio Unit 1 shall be non-opening and glazed with obscure glass. Any replacement or repair shall only be with obscure glass and the same frame style.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) the three windows shown in the northern side elevation serving Studio Unit 5 shall be non-opening and glazed with obscure glass. Any replacement or repair shall only be with obscure glass and the same frame style.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.