

Application Number: 22/0549/COU

Date Received: 15.06.2022

Applicant: D2 Propco Ltd

Description and Location of Development: Change the use from dwelling house to HMO - 63 Commercial Street Pontymister Risca Newport NP11 6AW

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: 63 Commercial Street, Pontymister, Risca, Newport, NP11 6AW

Site description: Mid Terrace property located on Commercial Street. To the west is the adjacent terrace property (61 Commercial Street) which includes a business and flat. To the east is 65 Commercial Street which is a terrace dwelling. To the rear (south) is a lane with business uses beyond. To the front (north) is Commercial Street with a terrace of residential dwellings opposite.

Development: Change the use from dwelling house to HMO.

Dimensions: The footprint of the building remains unchanged.

Materials: No external alterations to the fabric of the building are proposed.

Ancillary development, e.g. parking: Two parking spaces are indicated within rear curtilage.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

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

Site Allocation: Within settlement limits.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy), 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; Future Wales - The National Plan 2040, Planning Policy Wales 11th Edition (February 2021), 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

Police Architectural Liaison Officer - No response received.

Transportation Engineering Manager - CCBC - No objections subject to planning conditions and informative notes in relation to the proposed parking area.

Head Of Public Protection - CCBC - No adverse comments to make in respect of the application.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters.

Response: 44 representations have been received together with a Local Member Objection.

Summary of observations:

- Concerns in respect of parking and congestion.
- Concerns about type and conduct of future residents (e.g. antisocial behaviour/safety issues/criminality/ex-offenders/drug users).
- Risca is fast becoming a dumping ground.
- Concern for welfare/safety of local residents including children.
- Taking away first time buyer/starter home.
- Loss of family accommodation.
- Limited access to rear.

- Noise concern from the potential number of residents on existing houses/businesses.
- Existing problems with an HMO nearby.
- Unsuitable location due to proximity to public house.
- Levels of rubbish in other areas with HMOs.
- Devaluation of property.
- Loss of Privacy.
- Concern over size/quality of accommodation.
- Fire risk to building and adjacent terrace properties.
- The location on the High Street will be detrimental to business recovery and areas of wellbeing.
- This type of accommodation comes with high turnover.
- It is not logical to put such a property on the High Street of a town principal or any town or village for that matter.
- For what it offers, a bedroom for four people - it will hinder the economic recovery of the town and clearly this far outweighs the benefits of the former.
- Raise concerns in respect of another HMO nearby and alleged activities by a resident.
- When it comes to Caerphilly itself all we seem to find that it gets more money ploughed into regenerating the area.
- Risca has been long forgotten since we left the Islywn borough and is the last to receive any kind of regeneration for the good of the community.

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?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

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 in the determination of this application is the compatibility of the proposed use within a residential area, the visual appearance of the development on the character of the area, the impact on neighbour amenity and highway safety implications.

The proposal comprises the change of use of 63 Commercial Street, from use as a single dwelling (C3) to a House in Multiple Occupation (C4). The application site is within the defined settlement boundary and the proposal is acceptable in principle conforming to 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 4.2.12). 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 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).

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 in the region of 200 unlicensed HMO's in the Caerphilly County Borough and that these are spread throughout the area. In that context, the Local Planning Authority is not in a position to argue 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. Taking into consideration the cumulative impacts of such HMOs within the Caerphilly County Borough and their dispersed placement, it is not considered that the proposed change of use in itself would significantly change the immediate character of Risca or detrimentally impact the current levels of amenity received by the neighbouring occupiers. Therefore the proposal complies with Policy CW2 in that it would not have an unacceptable impact upon the immediate character and amenity of the local area of Risca.

The application property is a mid-terrace two storey dwelling within the town centre of Risca. The application states that the property currently has three bedrooms. The existing ground floor layout is shown to comprise of two living room areas to the front of the house with kitchen and shower room to the rear. The first floor is shown as having three bedrooms served off a landing area. The application seeks full planning permission for the change of use of the property to a HMO with four bedrooms. The proposed ground floor plan shows that the front living room area will become a bedroom and the rear living room area will remain as a living room and the existing kitchen and shower room are retained. The bedrooms to the first floor will remain although the current smallest bedroom will be enlarged slightly by a new partition being installed leading to a slight reduction to the adjacent larger bedroom. All bedrooms are served by windows and the kitchen and living room have windows (the living room window has a rear porch outside it).

The proposed change of use would reconfigure the internal layout and 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 up to six residents, living as a single household, could live in the property at present without the need for planning consent.

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 that respect no external alterations to the building are proposed, as such 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 neighbour amenity, given that no external alterations to the building are proposed it is also not considered that the development would give rise to any loss of privacy or overbearing impacts.

Policy CW3 states that development proposals should have regard for the safe, effective and efficient use of the transportation network, and parking space should be provided in accordance with the CSS Wales Parking Standards 2008. At present the property has no off-street parking provision. The proposed plans indicate that two off-street car parking spaces will be provided for the development accessed from an existing rear lane which already serves parking for other properties in the street. The Transportation and Engineering Manager is satisfied with the level of parking proposed and in highway safety terms subject to planning conditions.

Comments from Consultees: Addressed in the body of this report.

Comments from public:

- Concerns in respect of parking and congestion.

The existing property does not have any off-street car parking and the proposal would provide off street parking. The impact of the scale of development is not considered to have a material impact on congestion within Risca.

- Concerns about type and conduct of future residents (e.g. antisocial behaviour/safety issues/criminality/ex-offenders/drug users).
- Risca is fast becoming a dumping ground.
- Existing problems with an HMO nearby and its residents.

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. Crime prevention and fear of crime are social considerations and regard has been had to the proposal and impact on the local area and residents. It is however considered that as there is not a high concentration (i.e. 10% or more of properties in the area) of the existing housing stock being HMOs then the proposal will not have an unacceptable impact on the character of the area. Where anti-social behaviour does occur responsibility for dealing with such anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities and landlords. It is considered that existing legislative powers exist should specific issues arise as is the case with other dwellings (including HMOs) in Risca.

- Taking away first time buyer/starter home.
- Loss of family accommodation.

The low concentration of HMOs as a total of the existing housing stock of the area means that the loss of one dwelling is not considered likely to have a material impact on housing stock or availability within Risca.

- Limited access to rear.

The lane to the rear serves a number of properties/businesses and is considered suitable for providing access to off-street parking which the application property currently lacks.

- Noise concern from the potential number of residents on existing houses/businesses.

The addition of a bedroom to the property is not considered to have a material impact on surrounding residents. It is acknowledged that those living within an HMO are typically not previously known to each other and this may result in an intensification of use and related possibility of noise disturbance. The Environmental Health Officer has reviewed the proposal and offers no objection to the development and the Environmental Health department has separate powers to address issues of noise nuisance. It is also noted that the level of occupation is similar to what the house could accommodate at present without requiring any change of use.

- Unsuitable location due to proximity to public house.

There is a mixture of uses in the area include residential and commercial and the presence of a public house on the same street is not considered a justifiable reason for refusal of the application.

- Levels of rubbish in other areas with HMOs.

There is sufficient space in the rear yard to accommodate bin storage.

- Devaluation of property.

This is not a material planning consideration.

- Loss of Privacy.

There are no external changes proposed and it is not considered that privacy of neighbouring properties will be materially impacted by the development.

- Concern over size/quality of accommodation.

The proposed layout is considered to provide an acceptable amount of accommodation, amenity and living space for occupants.

- Fire risk to building and adjacent terrace properties.

The proposed changes are not considered to materially alter the internal fabric of the building or the resultant fire risk.

- The location on the High Street will be detrimental to business recovery and areas of wellbeing.

- For what it offers, a bedroom for four people - it will hinder the economic recovery of the town and clearly this far outweighs the benefits of the former.

The proposed development being limited in scale is not considered to be likely to have a material impact on business recovery for Risca.

- This type of accommodation comes with high turnover of occupants.
- It is not logical to put such a property on the High Street of a town principal or any town or village for that matter.

It is acknowledged that HMOs are often different to other housing stock in regard to the transient nature of many tenancies, however as Welsh Government Planning Policy Wales cites there should be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.12) and the proposal is deemed acceptable.

- When it comes to Caerphilly itself all we seem to find that it gets more money ploughed into regenerating the area.

Risca has been long forgotten since we left the Islywn borough and is the last to receive any kind of regeneration for the good of the community.

This is not a material planning consideration in the determination of this application.

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.

The application site is within a designated flood zone (C1) however the change of use will not result in a change in the nature of land use with both the existing use C3 and the proposed C4 use classes being classed as Highly Vulnerable Development under Technical Advice note 15 (Flood risk and Development) and on balance noting paragraphs 6.1 and 11.20 of the TAN is considered justified in its location.

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 the proposal complies with Policies CW2, Policy CW3 and Policy CW15 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.

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:
Combined plan, drawing reference 2874 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 as an HMO 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 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) Rainwater run-off shall not discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

It should be noted by the applicant that they will need to liaise with the appropriate utility in order to relocate the telegraph pole which abuts the wall to the rear of the property, in order to access the parking area as proposed.