

REFERENCE: P/18/592/FUL

APPLICANT: Seabreeze Property Ltd: 29a West Drive, Porthcawl, CF36 3HS

LOCATION: Jesmond Villa, 36 Ewenny Road, Bridgend CF31 2HR

PROPOSAL: Retention of change of use from an 8 bed guest house to an 8 bed Housing in Multiple Occupation (HMO)

RECEIVED: 20 July 2018

SITE INSPECTED: 31 August 2018

EOT AGREED: 15 October 2018

APPLICATION/SITE DESCRIPTION

The application seeks retrospective consent to regularise the change of use of an 8 bed guest house (Use Class C1) to a large House in Multiple Occupation (HMO). The property has been occupied as a large HMO since February 2018.

The property is split over three floors (ground floor, first floor and a room in the loft) and provides accommodation for 8 individuals with shared communal facilities/areas. The ground floor comprises three bedrooms, a shared w/c, a shared kitchen/lounge and a shared dining room. Four bedrooms and a shared w/c and shower room are located on the first floor with one bedroom located on the second floor.

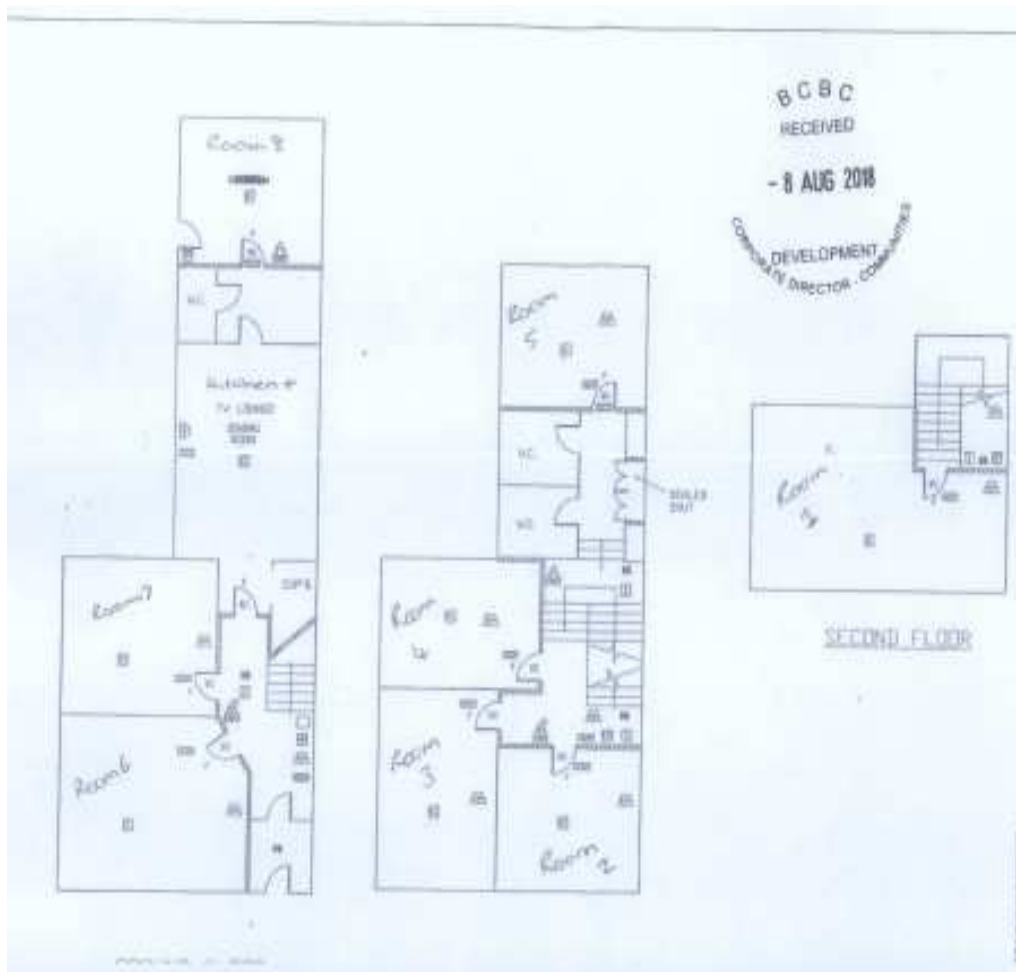


Fig 1: Proposed Floor Plans

No internal or external alterations are proposed as part of this planning application.

Application Number

P/18/592/FUL



Scale 1:1,250

Date Issued:
03/10/2018

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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The application property comprises a two storey mid terraced property with a front bay window at ground floor level, accessed via a small front garden area which fronts the main highway known as Ewenny Road. Ewenny Road has no on street parking with double yellow lines positioned along both sides of the road. The property is also served by a small rear garden area and a hardstanding area which are accessed via the rear lane. The hard standing can accommodate approximately 1-2 off street parking spaces

The application site is located within the residential settlement boundary of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (2013). The property is located within an established residential area and terraced street.



Fig 2: Streetscene view of property

RELEVANT HISTORY

None

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 6 September 2018.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021, which was formally adopted by the Council in September 2013, and within which the following policies are of relevance:

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy SP12 – Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land

Supplementary Planning Guidance

SPG02 – Householder Development

SPG17 – Parking Standards

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance to the determination of this application.

The Welsh Government has issued practice guidance relating to houses in multiple occupation which is considered relevant in the consideration of this proposal (Houses in Multiple Occupation: Practice Guidance, February 2016).

Other Relevant Policies:

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that ‘every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. This “duty to conserve biodiversity” has been replaced by a “biodiversity and resilience of ecosystems duty” under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that “a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.” Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether “the three tests” have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
2. That there is “no satisfactory alternative”
3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

Given the nature of the development (change of use of an existing building), it is considered that there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable

development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONSULTATION RESPONSES

Bridgend Town Council – No objection.

Head of Street Scene (Highways) – No objection.

Head of Street Scene (Drainage) - No objection.

REPRESENTATIONS RECEIVED

Cllr Lyn Waters (Local Member) – raises an objection to the development regarding concerns that relate to the lack of off street parking in the area and has requested that the application is returned to the full Planning Committee.

Two further letters of objection have been received from:

42 Ewenny Road states:

- Anti-Social Behaviour;
- Noise disturbance and damage to properties; and,
- Increase in rubbish in rear lane.

38 Ewenny Road states:

- Lack of parking to serve the development and area;
- Anti-Social Behaviour;
- Noise disturbance;
- Too many HMOs/Shelters/Women's refuge on Ewenny Road – no need for any more; and,
- Increase in recycling bags and boxes in the street – no property storage and rubbish on the road.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the issues raised above have been addressed within the Appraisal section of this report.

Anti-social behaviour, noise disturbance, damage to properties and increased levels of rubbish are not material planning considerations and do not form part of the assessment of this application.

Likewise, the proposed tenure of the service users is not a material planning

consideration.

It has been established through the Courts that the perceived fears of the public are a material consideration and the effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.

However, Planning Policy Wales (Edition 9, November 2016) states that factors to be taken into account in making planning decisions must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability, and proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications, local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties but whilst the substance of local views must be considered, the duty is to decide each case on its planning merits.

In this instance, the HMO has been in operation since February and there is no evidence to suggest that criminal behaviour in the area has increased as a direct result of this property. In any case, anti-social behaviour is a matter for the police and is controlled by other legislation outside the planning system.

The operation of recycling and storage of refuse bags at the property relates to the management of the property and is not a material planning consideration.

Whilst it is noted that there are other HMO uses located in the vicinity, it is considered that a HMO proposal of this size and scale is unlikely to result in any significant adverse impact on the levels of amenity enjoyed by the locality by way of an accumulation of HMOs.

APPRAISAL

The application is referred to the Development Control Committee to consider the objections raised by local residents and in line with a request by the Local Member.

The main issues to consider in this application are the principle of the development, the impact on the character and appearance of the area, the impact on neighbouring residents amenity and the highway safety implications of the proposal.

Principle of the Development

The application site is located within the settlement boundary of Bridgend, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2013-2021 and, as such, the conversion of the existing guest house into a house in multiple occupation is considered to accord with the criteria set out in Policy COM3 of the LDP and Planning Policy Wales (2016) which supports the use of suitable previously developed land for housing development as it can assist regeneration and, at the same time, relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the proposed change of use of the existing building to another form of residential use in a predominantly residential locality is compatible with surrounding land uses and is acceptable. It is also considered that the proposed development is located within a sustainable location being located close to public transport links and local amenities.

In view of this, the proposed development is considered to accord with Strategic Policy SP1 and Policies PLA1 and COM3 of the Bridgend Local Development Plan (2013-2021)

and can be supported in principle.

Impact on the character of the existing property, street scene and wider area.

The application building is located approximately 45 metres to the south west of the Local Service centre known as Five Bells Road, (encompassing units on Ewenny Road) which contains numerous small stores which generally operate within A1 and A3 use classes and is located approximately 145 metres to the south of Bridgend Town Centre. Whilst predominantly a residential area the application site is situated in close proximity to a mixture of other uses and local amenities. Ewenny Road is characterised by traditional terraced properties, bay windows and small front gardens. It is considered that the conversion of an existing guest house to a HMO (with no major external or internal works proposed as part of the scheme) would provide a valuable and additional/alternative type of living accommodation to the locality whilst not harmfully or significantly eroding the character and appearance of the existing area as a whole.

The essential character of the area, and the amenities of the locality given its location near the local service area and Bridgend Town Centre and the introduction of a relatively small scale HMO of the nature proposed, would not be so adversely impacted to warrant a recommendation to refuse the planning application in this regard. Furthermore, whilst it is noted that there are similar uses to that proposed located in the area, the proposal is for a single HMO and as such would not result in an undue concentration of incompatible uses in this location.

In terms of the level of amenity and standard of accommodation being created for future occupiers of the proposed HMO, each bedroom facility would have a satisfactory outlook with appropriate habitable room space and kitchen/bathroom facilities being proposed to support the use. The plot benefits from a small front garden and a larger enclosed rear garden that would provide a form of external amenity area and waste/recycling bin storage areas to potential future residents of the premise (in line with the requirements of paragraph 12.7.3 of Planning Policy Wales 2016 which advises that development proposals should provide adequate facilities and space for the collection, composting and recycling of waste materials).

In addition and as advised within the Welsh Government's Practice Guidance Note on Houses in Multiple Occupation (March 2017), anti-social behaviour is a broad term and responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities and social landlords. There are a raft of regulations and several pieces of legislation (The Anti-social Behaviour, Crime and Policing Act 2014, Part III Environmental Protection Act 1990, Noise Act 1996, Section 80ZA of the Environmental Protection Act 1990, Community Protection Notices and The Clean Neighbourhoods and Environment Act 2005 etc.) to deal with anti-social behaviour in relation to HMOs and these are dealt with separately from the Planning system. It is up to the applicant and agent (HL Ltd and Seabreeze Property Ltd) to manage the property and its occupiers in a reasonable manner.

The development proposes no external changes to the facade of the building and therefore, the visual appearance of the property will not alter as a result of the proposed development. Therefore, it is considered that the proposed development respects the character of the existing building and local character of the area and accords with the general requirements of Policy SP2 (2) and SP3 (3) of the Bridgend Local Development Plan (2013).

Impact on neighbouring amenities

In terms of the likely impacts on neighbouring residential amenity, with particular reference to the immediate residents of Ewenny Road and Grove Road to the rear of the site, it is

considered the proposed retention of the existing use would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is considered the level of activity and other likely effects of the use would not significantly exceed what was previously experienced when the building was used as a guest house. The objections raised make reference to current anti-social behaviour problems relating to the site and raise concern that this proposal will exacerbate the situation. Any such issues are matters for the Police and the proposal, which is a residential use, is unlikely to result in such levels of anti-social behaviour, as to warrant or justify the refusal of the planning application.

Accordingly, it is considered that the proposed development is acceptable in terms of the likely impact on neighbouring amenity levels and therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Transportation Officer has assessed the submitted application and noted that this is a retrospective application for the retention of an 8 bedroom HMO, with the previous use of the property as a 8 bedroom guest house. The parking requirement for this previous use would have generated 1 space per guest bedroom with a further space per 3 non-resident staff. It is considered that a total of 9 spaces would have been required for this former use. It is noted that there is limited space to the rear of the property which is considered to be capable of only providing one standard off-street parking space.

The Council's adopted Parking Standards contained within SPG17 do not provide detail of the parking requirements for a HMO although it is considered that in a Zone 4 location such as this a requirement akin to 1 bedroom flats could be applied. This requires provision of 1 space per bedroom thus a total of 8 spaces would be required to serve the proposed use. Accordingly, whilst there is limited on site off-street parking available, the proposal would not generate an increase demand for parking and the proposal can reasonably be considered on a nil detriment basis.

The proposed development is therefore acceptable in highway safety terms and accords with Policy SP2 (6) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG: 17 – Parking Standards.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the existing property, street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities. The concerns raised by the neighbours are acknowledged, however, in their case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.

RECOMMENDATION

(R64) That retrospective permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan received on 20 July 2018 and 'Floor Plans' received on 9 August 2018.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The existing off-street parking space to the rear of the property shall be retained for the purposes of parking in perpetuity.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None