

REFERENCE: P/19/696/FUL

APPLICANT: Mr H Sedman - 13 Bridgend Road, Aberkenfig CF32 9BN

LOCATION: 13 Bridgend Road, Aberkenfig CF32 9BN

PROPOSAL: Change of use from use class C3 (dwellinghouse) to C4 (House in Multiple Occupation)

RECEIVED: 12 September 2019

SITE INSPECTED: 3 October 2019

EOT AGREED: 9 December 2019

APPLICATION/SITE DESCRIPTION

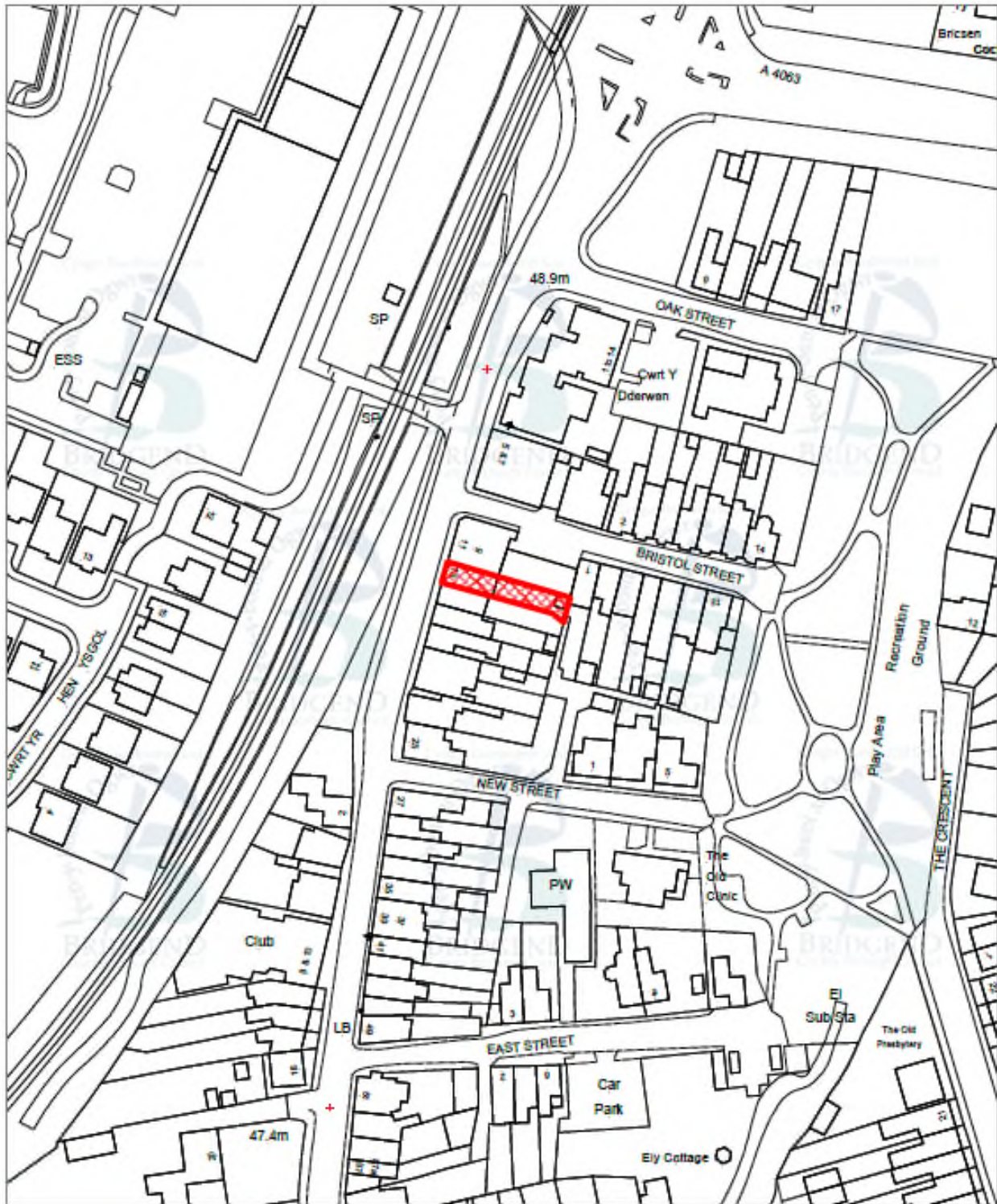
The application seeks full planning permission to change the use from a C3 (dwelling house) to C4 (House in Multiple Occupation) at 13 Bridgend Road, Aberkenfig.

The property is a two storey mid terraced property that is served by a rear garden area, on street parking and which currently operates as a 4 bedroom residential dwelling house. The internal arrangement of the property would remain as four bedrooms on the first floor with shared bathroom and a shared lounge and kitchen/diner on the ground floor. The application property is to be used by the applicant's son and three friends, i.e. four unrelated people who work locally and are young professionals.



Fig 1: Floor Plans

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



Cyngor Bwrdeistref Siro



Mark Shepard
Chief Executive

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Time of Plot:
10:45
Date of Plot:
29/11/2019



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Department :
Planning Department

The application property comprises a two storey mid terraced property with a rear garden area which fronts the main highway (Bridgend Road). Parking is currently on street. There is a convenience store located next to the application property and a commercial garage to the rear. The application site is located within the residential settlement boundary of Aberkenfig 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: Street scene view of property

RELEVANT HISTORY

None

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 11 October 2019.

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. 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 10 December 2018) (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

Head of Street Scene (Highways) – No objection.

REPRESENTATIONS RECEIVED

Thirteen letters of objection have been received regarding the proposed development.

Cllr James Radcliffe (Local Ward Member) – raises an objection to the development regarding concerns that the proposed development is out of character with the area, lack of off street parking in the area, impact on traffic and has requested that the application is refused. He has also requested that the LPA remind the landlord of his obligations to register with Rent Smart Wales and comply with Welsh Housing Law.

Twelve further letters of objection have been received from neighbouring properties raising the following concerns:

- The proposed use for shared housing is out of character with the area;
- Lack of parking to serve the development, businesses and the surrounding area;
- Noise disturbance;
- Draw undesirable people to the nice village of Aberkenfig;
- Highway safety;
- Anti-Social Behaviour;
- Health and safety concerns as there is currently only one access to the property via the front door.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Anti-social behaviour and noise disturbance from the future occupiers of the HMO are not material planning considerations and do not form part of the assessment of this application. Also Anti-social behaviour is a matter for the police and is controlled by other legislation outside the Planning system.

Likewise, the proposed tenure of the occupiers is not a material Planning consideration.

APPRAISAL

The application is referred to the Development Control Committee to consider the objections raised by local residents and 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 Aberkenfig, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2013-2021 and, as such, the conversion of the existing dwelling into a house in multiple occupation is considered acceptable.

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 Policy PLA1 of the Bridgend Local Development Plan (2013) and can be supported in principle.

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

The application building is located within a predominantly residential area containing numerous small stores which generally operate within A1 and A3 use classes and is situated in close proximity to a mixture of other uses and local amenities. Bridgend Road is characterised by traditional terraced properties and it is considered that the conversion of an existing dwelling to a HMO (with no 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 introduction of a relatively small HMO of the nature proposed would not so adversely impact the essential character of the area and the amenities of the locality given its location near the local service area of Aberkenfig to warrant a recommendation to refuse the planning application in this regard. Furthermore, the proposal is for a single HMO and as such would not result in an undue concentration of such 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 site benefits from an enclosed rear garden that would provide a form of external amenity area and waste/recycling bin storage areas for the future residents of the premises (in line with the requirements of Planning Policy Wales 2018 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 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 a matter for the landlord 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 be altered as a result of the proposed development. 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 Policies 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 amenities, with particular reference to the immediate residents of Bridgend Road and Bristol Street to the side of the site, it is considered the proposed 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 in land use planning terms that the 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 residential dwelling house. The objections raised make reference to possible anti-social behaviour problems as a result of the proposed use. Any such issues are matters for the Police and other agencies.

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 Local Development Plan and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Transportation Officer has assessed the submitted application and noted that the dwelling does not currently benefit from off-street parking and current residents park on-street. Therefore this change of use from a dwelling house to a HMO with no additional bedrooms is considered to be acceptable and no objection is raised regarding highway safety. Accordingly, whilst there is limited on 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 Local Development Plan (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 this case and on balance, they are not considered to outweigh the other material issues connected to the development such as to warrant refusal on those grounds.

RECOMMENDATION

(R02) That 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 and ' Existing Floor Plans' received on 12 September 2019.

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

**JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

Background Papers

None