

REFERENCE: P/23/220/FUL

APPLICANT: Emmaus South Wales 6 Caroline Street, Bridgend, CF31 1DQ

LOCATION: 33 Heol y Nant Cefn Glas Bridgend CF31 4HT

PROPOSAL: Retrospective change of use from a dwelling house (use class C3) to a House in Multiple Occupation (HMO) (use class C4) for a maximum of 4 persons

RECEIVED: 31 March 2023

APPLICATION/SITE DESCRIPTION

The applicant 'Emmaus - South Wales' is seeking retrospective planning permission for the change of use of the property from Class C3 (dwelling house) to Class C4 (House in Multiple Occupation), as a four-bedroom unit with communal shared facilities at 33 Heol - Y- Nant, Cefn Glas, Bridgend.

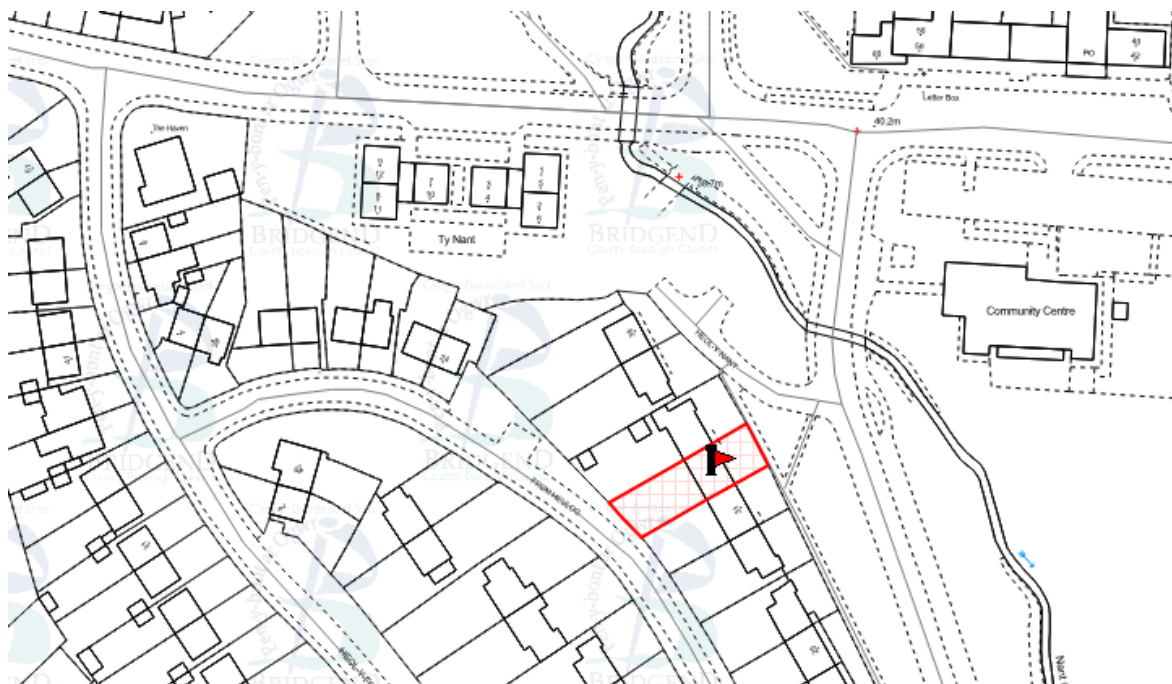


Figure 1 – Site Location Plan

In broad terms, class C4 covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities (*Houses in Multiple Occupation: Practice Guidance, March 2017*).

In this instance it is indicated that the four-bedroom dwelling has not been altered externally or internally to accommodate the change of use; the building remaining as a four-bedroom unit (four bedrooms within the first floor of the mid-link building) and shared communal facilities at ground floor level such as a kitchen, dining room and living room.

Shared amenity space/an enclosed garden area has been maintained to the rear of the building. The layout of the building is shown below (Figure 2) with the application seeking retrospective consent to provide accommodation for up to 4 unrelated individuals.

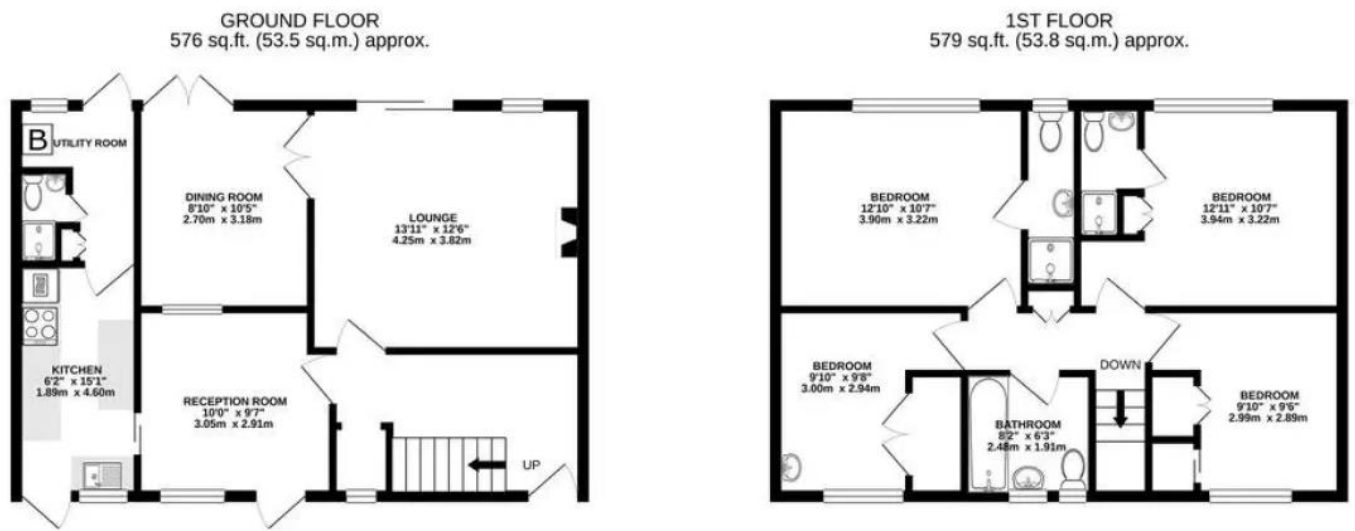


Figure 2 – Existing/Proposed Layout of the Building

The applicant has detailed that the new use began at the site on the 26th October 2022 with the application being retrospective in nature (an Enforcement Case was opened on the site in February 2023 and an application requested given planning permission is required for the change of use that has been undertaken).

The application site comprises a two-storey, mid-link residential property set within the built-up area of Cefn Glas, Bridgend. Positioned to the western side of Heol-Y-Nant, beyond a small green area, the building is set back from the highway and positioned within a row of similar properties that all benefit from small front garden areas. At the time of the site inspections there was a level of planting evident within the front garden space. The property has a rendered finish (painted pink) and tiled roof. There is an enclosed garden space to the rear of the building where an elevated hardstanding area provides off-street car parking provision. The rear garden has a generous scale measuring approximately 17m in length and covers an area of approximately 150 square metres. Fron Heulog immediately abuts the rear of the site. The general character of the area is defined by residential properties, although there is a large open green area directly opposite the application site with Westward Community Centre and a collection of shops (small retail/commercial hub – Local Service Centre) existing further to the north-east of the application site, along Llangewydd Road.





Figure 3 – Photographs of the application site

RELEVANT HISTORY

None.

NEGOTIATION

The applicant was requested to revise the description of development to refer to the retrospective nature of the scheme and to specify the maximum number of users of the property. Further information has also been sought from the applicant during the processing of the application to detail general management procedures at the property.

The supporting, further information submitted with the application highlights that the applicants have recently reviewed their management of the occupants of 33 Heol-Y-Nant and understand that the neighbours may have reservations about the scheme, although it is advised that Emmaus take every step possible to ensure that residents' occupation of the property is not detrimental to their neighbours or the wider local community.

The overall responsibility and management of the property rests with the Community Housing Manager and her staff of support workers who carry out the following routines: -

- Weekly Visual check
- Monthly Property Check
- Monthly Support Session followed by Health & Safety room checks
- Meeting every Monday morning to check in and discuss any issues, contractor visits etc.
- 9am check in at main house Mon - Fri
- Washing up rota
- Weekly cleaner
- All tenants have been with Emmaus for 6 months in the main accommodation before moving in. This helps identify any residents who may cause issues.
- 24/7 cover - main support staff Mon- Fri and out of hours on call.

It is further stated that a warning and evictions procedure for all residents is operating. The complaints procedure is through an e-mail service which is carefully monitored, and any complaints are dealt with usually within 24 hours by the community housing staff.

In addition, staff are based in the main supported accommodation which is three minutes walk away at Nant Lais off West House Road. Finally, it is commented by the applicant that there are enough waste storage facilities at the site and, through the weekly routines, residents are guided to ensure waste is correctly recycled and put out properly.

It is also advised there are currently no CCTV cameras at the site as this would be seen as an invasion of privacy, although it is detailed Emmaus South Wales will do its utmost to ensure that their companions become a valued part of the Local Community.

The applicants have also provided a copy of a letter issued to local residents, dated 31st May 2022, advising of their intentions for the property to provide a shared house for a maximum of 4 tenants. The letter also highlights how Emmaus has a full-time support team based in Nant Lais who will continue to provide support to all their companions regardless of which property they live in. The letter also indicated that Emmaus take their responsibilities as a landlord very seriously and provide good quality accommodation and housing management services for their companions, including a 24 hour on-call service to respond to any emergency situations (such as a fire or flood for example). Contact telephone and email addresses were also provided to local residents for any further discussions or if any issues were to arise.

CONSULTATION RESPONSES

Shared Regulatory Services (Public Protection) – Advise HMO's should meet necessary fire safety regulations (with an advisory note being recommended accordingly).

It is also highlighted a HMO is different from the use of an ordinary domestic property as you have several independent adults living in the property, each with their own visitors etc with no-one responsible for anyone else as opposed to a family living as one entity in the same premises. Furthermore, due to the nature of this type of HMO there is likely to be a more frequent turnaround of occupants and where there are complaints of noise it will be more difficult to determine who in that HMO is responsible for the noise. There have already been complaints of noise and allegations of anti-social behaviour at the site, although these have been dealt with by the applicant/charity.

Therefore, at the very least it is requested that if planning permission is being recommended for approval, then a condition should be attached to ensure that the management of the property is undertaken in accordance with the information submitted by the applicant to ensure that the premises is sufficiently and effectively managed. If the supporting information is not suitable for being worded as a condition, it should be ensured that the applicant provides a formal noise management and waste management plan containing all the relevant information to demonstrate how there will be no adverse impact. The management plans should be submitted to and approved by the Local Planning Authority and thereafter shall be implemented as agreed.

Highways Officer – No objection, subject to conditions.

Bridgend Town Council – Object to the scheme on the grounds of over intensification and concerns over poor access, adequate parking and the need to conserve this area. Further correspondence submitted during the processing of the application highlights matters need to be carefully investigated in this case before a decision is made, with concerns being raised about the retrospective nature of the scheme and police disorder at the site since November 2022. It is also requested that the application be subject to determination at full Development Control Committee and Bridgend Town Council be afforded the opportunity to speak on the application.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 27 July 2023 (second consultation exercise following revision to the description of development (retrospective)).

REPRESENTATIONS RECEIVED

The owners/occupiers of 15 and 27 Heol-Y- Nant, object to the planning application.

A further letter of objection has been received from a former resident of Heol-Y-Nant

although no specific address has been provided and an anonymous letter of objection has been received against the planning application.

The objections raised are summarised below:

- Increase in anti-social behaviour in the area, including drinking of alcohol on nearby benches by residents and use of foul language, with police being called on various occasions for violent behaviour and drug use.
- Since November 2022, when four people moved into the HMO, residents have experienced an array of anti-social behaviour, including unreasonable noise, substance misuse, rowdy behaviour and audible foul language from both inside and outside the property. All of this has resulted in a feeling of being unsafe within and around neighbouring homes and has had a huge impact on quality of life as well as impacting residents health.
- Worry for family safety;
- The use should be placed away from families and long-term residents.
- The neighbour directly attached to the property has had to leave due to concerns for her safety and that of her family.
- Unreasonable noise disturbance between properties, including noise from TV's and radios, doors slamming, howling and general conversations.
- Poor sound insulation between properties.
- Loss of amenity because of the HMO.
- Objections regarding access and parking.
- Driving of vehicles on the grass verges, ripping them up.
- Everybody smokes at the property, and there is a real concern about potential fire hazards in this property.
- The organisation who have requested the permission already have a building at the end of the street (Nant Lais) and this is a retrospective application.
- The organisation has no regard for the safety of the families on the street (who include young children) and persist in their attempts to purchase properties in amongst residents in this area. The controls they have put in place previously have been ineffective and will continue to be so, if clients are placed in this unmanaged and unsupervised environment closely located to 3 schools and a community facility housing a playgroup.
- There are serious concerns for the safety of the residents on this street and young children, as well as the other children on the street and those attending the playgroups and schools in the area.
- It is not understood why the organisation are insistent on pushing their operations into a densely populated area at the risk of the current residents (some of whom have been here for many years) and schoolchildren. There are many HMOs already in and around Bridgend Town Centre and the organisation should not be allowed to put the safety of people already living here at risk when there are already alternative locations available.
- Distrust and issues with the applicants Emmaus.

COMMENTS ON REPRESENTATIONS RECEIVED

The material planning issues raised by the local residents have been addressed within the appraisal section of this report and it is fully acknowledged that a HMO use, particularly clusters of such uses in small geographical areas, can potentially detract from the character of an area and actively contribute towards a number of perceived problems, as highlighted by the local residents. Nevertheless, a scheme of the scale and nature detailed for this locality is unlikely to harmfully disrupt or adversely impact the levels of amenity enjoyed in the area to warrant the refusal of this planning application. Such a use is considered to be a form of residential use that is considered compatible with neighbouring

residential properties and is unlikely to fundamentally change the existing community balance in the area. HMO uses provide an important source of housing provision and play an important role in the delivery of a varied housing stock within the Borough, providing homes to a number of residents, including those who are often unable to purchase their own properties. A balanced approach must be taken to the consideration of the scheme, and in this case, it is considered the merits of the planning application outweigh any identified harm of the scheme, particularly in respect of anti-social behaviour and the perception and fear of such behaviour. Anti-social behaviour and fear of it can be a material consideration but in this instance, it is not considered the application for such a small scale HMO use, generates such adverse concerns in this respect to warrant the refusal of the scheme.

The application, which is for a form of residential use, is unlikely to result in such serious levels of anti-social behaviour, as to warrant or justify the refusal of the planning application with there being no compelling evidence that a HMO use of the scale being considered would result in increased levels of crime or fear of crime within the locality of the application site. The causes of anti-social behaviour and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone, and it is not considered an appropriately managed, small scale HMO use, for a maximum of four people, would cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the planning application in this case.

The intensity of the use is acknowledged, and the noise issues raised by residents fully noted in this case, and it is accepted people who live within a HMO are likely to be less connected than a usual dwelling house, which may result in a greater number of movements and disturbance to the nearby residents. However, the long established use of the building is a large dwelling house with four bedrooms within the property. The building could be occupied by a large family which could generate similar ongoings, noise levels, and general levels of movements of a comparable scale and nature to such a HMO use. The building is considered to adequately lend itself to a small house in multiple occupation for no more than 4 occupiers, as detailed within the description of development, which could be further controlled by means of a planning condition. Effective sound insulation between properties is always an important matter although such an issue would be more appropriately addressed under other legislation (such as Building Regulations), and on balance, the scheme does not generate such serious noise or over intensification concerns to warrant a recommendation to refuse the scheme in this regard.

In terms of highway safety, the property benefits from a rear off street, car parking space with on-street car parking taking place within the vicinity of the application site, which is considered adequate for such a development, particularly when compared to the parking requirement generated for the established use of the existing four-bedroom dwelling. The Council's Highway Officer has raised no objections against the scheme.

Any HMO facility would need to comply with relevant fire safety legislation (as detailed by the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 (FSO) for example), and as advised by the Council's Shared Regulatory Services Officer (Public Protection) suitable Automatic Fire Detection (AFD) must be provided within HMO's.

The planning system does permit the submission of retrospective planning applications, with Section 73A of the Town and Country Planning Act providing, among other things, for retrospective planning applications to be made in respect of development which has been carried out without permission. Nevertheless, any retrospective application must be considered on its own planning merits with due regard to the requirements of the adopted Bridgend Local Development Plan, 2013 and relevant national policy and guidance, with due regard to all the material planning considerations raised by the scheme.

In response to the Council's Shared Regulatory Services - Public Protection Officers comments that recommend the imposition of conditions to control the management of waste and noise at the site, it is considered reasonable and fair to ensure that adequate provision at the site is made for waste and recycling storage facilities (with a condition being suggested accordingly). However, imposing a planning condition on such a residential type of use to control and manage noise at the site, particularly given the sites existing characteristics and established use as a four-bedroom property which has very similar characteristics to the proposed use, is not considered reasonable or appropriate in this case. Noise emissions at the site should not be unduly or materially different to manage in comparison to a large family living and operating within the property, with such a condition not considered reasonable or necessary in this case. A noise management plan for example, for such a residential use, would also be difficult to enforce and it is argued that the planning process should not involve such detailed controls to how residents of such a conversion might conduct themselves. In land use planning terms the use of the site as a small scale HMO, on balance, is considered appropriate and compatible with the established, predominantly residential nature of the locality.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan, 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
- Strategic Policy SP4 – Conservation and Enhancement of the Natural Environment
- Policy SP12 – Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy ENV6 – Nature Conservation
- Policy ENV15 – Waste Management in New Development

Supplementary Planning Guidance

SPG02 – Householder Development

SPG17 – Parking Standards

SPG19 – Biodiversity and Development

National Planning Policy and Guidance

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW) and Future Wales – the National Plan 2040 (February, 2021) are of relevance to the determination of this application.

Technical Advice Notes

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. Technical Advice Note 12 – Design (2016) and Technical Advice Note 18: Transport (2007) are of relevance.

Other Relevant Policies and Guidance

Houses in Multiple Occupation – Practice Guidance: March 2017 (Welsh Government)

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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.

The Socio-Economic Duty

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to the Development Control Committee for determination due to the number of objections received (4 in total) and the objections received from Bridgend Town Council.

The application seeks retrospective planning permission for the change of use of a dwelling building to a house in multiple occupation (HMO - C4 use), to provide a four-bed unit with communal/shared facilities including a kitchen, dining room, bathroom and a communal lounge.

The main issues to consider in this application are the principle of the development, the impact on neighbouring residential amenity, the impact on the character and appearance of the street scene and area, and the highway safety implications of the scheme. Biodiversity matters are also a further consideration in this case.

Principle of the Development

The application site is located within the Primary Key Settlement of Bridgend (Cefn Glas) within an established, largely residential area, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

Policy COM3 Residential Re-use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a small site under Policy COM3 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy COM3 of the LDP and Planning Policy Wales (2021) effectively 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 change of use of the building to another form of residential use in a predominantly residential locality is compatible with surrounding land uses and is acceptable; providing a valuable alternative type of living accommodation to the locality. The small-scale HMO use is not considered an overly intensive or incompatible use within its setting and it is also considered that the application site is located within a sustainable location being located relatively close to public transport links and local amenities, with good pedestrian and cycle linkages.

In view of this, the development is considered to accord with Strategic Policy SP1 and Policies PLA1 and COM3 of the Bridgend Local Development Plan (2013) and can be supported in principle.

Notwithstanding the above, whilst the principle of such a residential use is accepted in land use planning terms, it is necessary to consider the aspects of this proposed use which may have the potential to adversely affect the amenities of the area.

Impact on the amenities of neighbouring residents (including occupiers of the HMO)

Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

In terms of the level of amenity and standard of accommodation being created for occupiers of the 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 (measuring approximately 150 square metres) that would provide a form of external amenity area and waste/recycling bin storage areas to potential future residents of the premise. It is further acknowledged that effective sound insulation is important between HMOs and adjoining properties although this matter would be more appropriately addressed under other legislation.

It is noted that the Council's Shared Regulatory Services, Public Protection Officer recommends the imposition of conditions to control the management of waste and noise at the site. It is considered reasonable and necessary to ensure that adequate provision at the site is made for waste and recycling facilities (for the storage and management of waste), in line with the requirements of Policy ENV15 of the Local Development Plan, 2013, that highlights the need for appropriate waste management in new development; ultimately the residents would likely store and manage waste within the rear garden space and present this on the relevant collection dates alike when the premises was utilised as a dwelling house. However, imposing a planning condition to control and manage noise at the site given the sites existing characteristics and established use as a four-bedroom property which has very similar characteristics to the proposed use is not considered reasonable or appropriate in this case. Noise emissions at the site should not be unduly or

materially different to manage in comparison to a large family living and operating within the property, with such a condition not considered reasonable or necessary in this case. A noise management plan for example, for such a residential use would be difficult to enforce and it is argued that the planning process should not involve such detailed investigations or controls to how residents of such a conversion might conduct themselves. The landlord or operator of the premises, Emmaus in this case, would ultimately be responsible for who occupies the premises and take a level of responsibility for the appropriate management of the site. Information submitted with the application and as earlier detailed highlights Emmaus do have a duty of care to the occupiers of the HMO and are ensuring that the use of the property is being appropriately managed.

Whilst it is fully acknowledged that there must be careful consideration given to the impact of the scheme on the residential amenities of the neighbouring properties, with particular reference to the immediate residents of Heol-Y-Nant, and noting the objections raised against the application, on balance, it is considered that the use does not unreasonably compromise the level of amenity that is enjoyed and can be reasonably expected in such a locality. It is considered that a four-bedroom HMO is not excessively intensive for the locality and that the level of activity and other likely impacts of the use would not significantly exceed what might be expected from its occupation as a family dwelling. Given the small-scale nature of the use, the level of movement to and from the property may not intensify to such an extent that it would be incompatible in this residential area.

The objections raised by residents make significant reference to anti-social behaviour problems relating to the site and raise concerns that approving this application would continue to worsen this situation. Nevertheless, and whilst noting anti-social behaviour and fear of it can be a material consideration, in this instance, the application for such a small scale HMO use which is effectively a residential use, on balance, is unlikely to result in such anti-social behaviour, as to warrant or justify the refusal of the planning application.

In addition, and as specifically 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.

Again, it is important to reiterate that responsibility would also fall with the applicant to effectively manage the property and its occupiers, although in land use planning terms the proposed small-scale HMO use within this location is not considered so adverse or harmful in general amenity terms to warrant the refusal of the planning application.

As previously detailed, the scheme does not include any changes to the facades or fenestration arrangements of the building. As such, the scheme raises no loss of privacy concerns.

Accordingly, it is considered that the planning application is acceptable in terms of the 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. The use of the premises as a small HMO does not unreasonably compromise the level of amenity that is enjoyed and can be reasonably expected in such a

locality, with the level of activity and other likely effects of the use not significantly exceeding what was previously experienced when the building was used as a dwelling or could be expected if a large family occupied the four-bedroom property.

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

The application building is a two-storey, mid link property situated within a largely residential area whilst also in close proximity to local amenities. Heol-Y-Nant and the surrounding streets comprise a mixture of house types and it is considered that the conversion of this dwelling to a small HMO (with no external works being proposed or undertaken 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 residential character of the area and the amenities of the locality have not been so adversely impacted so as to warrant a recommendation to refuse the Planning application in this regard given that the application is for a relatively small, single HMO which does not result in an undue concentration of incompatible uses in this location. The proximity of the application site to the nearby Nant Lais community home which provides supported accommodation for a number of adults (18 bedrooms) is fully acknowledged in this case – which is also operated by the applicants, Emmaus – South Wales. However, this building is situated over 200m to the south of the site with numerous residential properties situated in-between the two sites.

The scheme has not resulted in (nor proposes) any external changes to the facade of the building and therefore, the visual appearance of the property will not alter as a result of the application. As such, it is considered that the application respects the character of the existing building and local character of the area and accords with the general requirements of Policy SP2 (2) of the Bridgend Local Development Plan (2013).

Highway Safety

The site is currently accessed by foot and vehicle from Heol-Y-Nant (front of the site) and benefits from a rear off street car parking space that is accessed via the highway of Fron Heulog that abuts the rear garden area of the property. As mentioned above, the site is located within a relatively sustainable location with positive links to wider amenities and public transport links. The Council's Highway Officer has considered the transportation implications of the proposal and confirmed such a scheme raises no serious or adverse highway safety implications.

It is commented that the established four-bedroom property generates a requirement for 3 off-street parking spaces but only benefits from a single space to the rear, served off Fron Heulog. It is considered however that the change of use to a HMO (for a maximum of 4 persons) will not generate a significant parking demand which would require further provision. However, in order to protect the existing space and maintain the status quo a condition is requested to ensure the parking space is retained in perpetuity and a further condition suggested to secure cycle parking at the site to ensure residents can fully utilise sustainable travel.

Accordingly, and subject to the suggested conditions, it is considered that the development accords with Strategic Policy SP3, Policy PLA11 and Policy SP2 (6) of the Bridgend Local Development Plan 2006-2021 and the Council's Supplementary Planning Guidance (SPG17) – Parking Standards.

Biodiversity and other matters

Policy SP4 of the Bridgend Local Development Plan, 2013 (LDP) highlights that development which will conserve, and wherever possible enhance the natural environment

of the County Borough will be favoured. Policy ENV6 Nature Conservation of the LDP further emphasises development proposals must retain, conserve, restore and enhance wherever possible existing natural features and habitats. Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

Whilst acknowledging this is a small scale, change of use application, to fully ensure the development meets the requirements of local and national planning policy that *states all development should maintain and enhance biodiversity*, a condition is recommended to ensure an appropriate bird box is introduced at the site in this case.

On the basis that the recommended condition is imposed to any approved consent, the scheme is considered to comply with local and national planning policy as well as the requirements of the Habitats Regulations 1994 (as amended) and Section 6 of the Environment (Wales) Act 2016.

It is also considered such a change of use application of the nature detailed raises no serious land drainage implications.

CONCLUSION

This retrospective application requires careful consideration of each of the material planning matters raised by the case, and on balance it is concluded the scheme can be recommended for approval and is considered acceptable in planning terms.

The development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the HMO, as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity or land drainage concerns.

The concerns raised by residents and the Town Council are fully acknowledged in this case, however, and on balance, they are not considered to outweigh the other material issues connected to the development as to warrant refusal of the planning application. The intensity of the use and the provision of a small scale HMO, accommodating a maximum of four occupiers, within a previously established, family sized dwelling comprising four bedrooms, is not considered so incompatible or harmful to the character or amenity of the area to recommend the refusal of the planning application. HMO uses provide an important source of housing accommodation within the Borough and it is considered a 'residential type' use in an established residential unit and area, and there is no objection in principle to this use in this location. A condition is suggested restricting the maximum number of occupants to four at any one time and accordingly, it is considered that the development is of a nature that can be supported in this case.

RECOMMENDATION

(R64) That permission be GRANTED subject to the following conditions: -

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

Location Plan - Received 31/03/2023

Floor Plan - Received 31/03/2023

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

2. The premises shall be used for a house in multiple occupation (Class C4 of the Town and Country Planning (Use Classes Order) (As Amended)) accommodating a maximum of four persons.

Reason: For the avoidance of doubt as to the extent of the permission granted and to enable the Local Planning Authority to retain effective control over the intensity of the residential use.

3. Within one month from the date of this decision, a scheme showing the location and design of a waste and recyclables storage enclosure(s) at the site shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be provided within 2 months of the date of agreement and shall be retained as such thereafter for the purposes of waste and recyclables storage and management.

Reason: In the interests of safeguarding general amenities and to ensure the sustainability principles are adopted and ensure compliance with Policy ENV15 of the Bridgend Local Development Plan, 2013.

4. Within one month from the date of this decision, a scheme showing the location and provision of secure cycle storage for 4 cycles shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be provided within 2 months of the date of agreement and shall be retained as such thereafter for the purposes of cycle storage.

Reason: In the interests of promoting sustainable means of travel to / from the property and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

5. The existing parking space served off Fron Heulog (to the rear of the property) shall be retained in permanent materials for the purpose of parking in perpetuity.

Reason: To ensure that adequate parking is retained within the curtilage of the site in accordance with policies SP2 and SP3 of the Bridgend Local Development Plan (2013), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

6. Within 3 months of the date of this consent, an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole placed under or close to roofs.
- Dimensions: H150 x W340 x D150mm

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 11, February 2021) and Policies SP4 and ENV6 of the Bridgend Local Development Plan 2013.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013).

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principles in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

b. HMO's are subject to additional requirements concerning fire safety. The information can be found in the following guide
<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

Furthermore, Automatic Fire Detection (AFD) - HMO's must be provided with suitable AFD system. The system must be designed, installed and maintained in accordance with BS 5839: Part 6.

c. The applicant is advised that the development must comply with the necessary and relevant Building and Fire Safety Regulations. The applicant is also advised that in addition to Planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to the development.

**JANINE NIGHINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None