

## LOCAL MEMBERS OBJECTIONS

COMMITTEE DATE: 12/04/2017

APPLICATION No. **16/01617/MNR** APPLICATION DATE: 02/08/2016

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Mr. Amin

LOCATION: 24 BEDFORD STREET, ROATH, CARDIFF

PROPOSAL: GROUND & FIRST FLOOR EXTENSION, DORMER ROOF  
EXTENSION & CONVERSION TO 8 BED SUI GENERIS  
HOUSE IN MULTIPLE OCCUPATION

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**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans :
  - BZE1/4
  - BZE 1/5
  - BZE 1/6

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Prior to the use of the property as a Sui Generis 8 person HMO at least eight undercover and secured cycle parking spaces shall be provided within the site curtilage and shall thereafter be retained and maintained at all times.

Reason: To ensure that secure cycle parking facilities are provided to encourage other modes of transport over the private car in accordance with Policy KP5 and Policy T5 of the Cardiff Local Development Plan 2006-2026.

4. Prior to the use of the property as a Sui Generis 8 person HMO a bin storage area shall be provided within the curtilage of the property which shall make provision for general waste bags (equivalent to 240 litres), 1 x 25 litre kerbside caddy for food waste and bags for mixed recycling (equivalent to 240 litres). The bin storage area shall thereafter be retained and maintained at all times.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local

Development Plan 2006-2026.

5. No more than 8 occupants shall reside at the property at any one time.  
Reason: To ensure a suitable level of internal and external amenity space is retained for future occupiers to use.
  
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the side elevation facing 26 Bedford Street.  
Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

**RECOMMENDATION 2** That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.

**RECOMMENDATION 3** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to erect a single storey and two storey rear extension, a rear dormer roof extension and the change of use of the property from two self-contained flats into one 8 person House in Multiple Occupation.
  
- 1.2 Internally the property would accommodate three en-suite bedrooms and a combined kitchen and living room on the ground floor, two bedrooms a bathroom and an en-suite bedroom on the first floor and two bedrooms and a bathroom in the second floor roof space
  
- 1.3 Externally an amenity space of approximately 35 square metres is provided to the rear of the property together with a large detached outbuilding.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey building located within a terrace of two storey traditional dwellings within the Plasnewydd Ward of the City. It is presently in

use as two self-contained flats.

### 3. **SITE HISTORY**

3.1 09/00849C – Retention of 2 flats – approved 23<sup>rd</sup> June 2009.

### 4. **POLICY FRAMEWORK**

4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016

4.2 Relevant National Planning Guidance:

Planning Policy Wales (Edition 8, 2016)

Planning Policy Wales TAN 11: Noise

Planning Policy Wales TAN 12: Design

Planning Policy Wales TAN 21: Waste

4.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5: Good Quality and Sustainable Design

Policy H5: Sub-Division or Conversion of Residential Properties

Policy T5: Managing Transport Impacts

Policy W2: Provision for Waste Management Facilities in Development

4.4 Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)

Houses in Multiple Occupation (HMO's) (October 2016)

Residential Extensions & Alterations June (2015)

Access, Circulation & Parking Requirements (January 2010)

Prior to January 2016 the Supplementary Planning Guidance's were approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPG's is pertinent to the assessment of the proposal and remains consistent with the aims of both the Cardiff Local Development Plan Policies and guidance in Planning Policy Wales and are therefore afforded significant weight. Any Supplementary Planning Guidance approved since January 2016 are approved as supplementary guidance to the Cardiff Local Development Plan 2016.

### 5. **INTERNAL CONSULTEE RESPONSES**

5.1 Pollution Control have not objected to this application but have requested the developer be advised with respect to the control of noise from demolition and construction activities.

5.2 Waste Management advise that the property will require storage for the following:

- Red striped bags for general waste (equivalent to 240 litres)
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 240 litres)

However they also advise that the Ward of Plasnewydd has a higher than average demand for Waste Enforcement and Street Cleansing services, which is of concern to Waste Management. As a result Waste Management feels that developments such as this, which increase the residential density of Plasnewydd, would result to further demands on Waste Enforcement and Cleansing, leading to detrimental impacts on the amenity and environmental quality of the area. They therefore object to this proposal.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police have not objected to this application but have recommended that the applicant ensure that adequate security and safety levels are achieved.

## 7. **REPRESENTATIONS**

- 7.1 10 identical letters of objection have been received from residential properties within the surrounding area. The letters of objection are in the form of a generic letter which has been circulated within the vicinity and also relates to three other planning applications for garages to be erected to the rear of 20, 22 and 24 Bedford Street (these applications were refused. An appeal to the Planning Inspectorate in respect of No 22 was allowed on appeal. It is anticipated that the other refusals will also be appealed). Of relevance to this application they object over the lack of publicity to the to the application, issues with the existing housing situation in the area in particular to the types of residents living in Bedford Street, issues associated with the current occupants of 20, 22 and 24 Bedford Street and their antisocial behaviour.

- 7.2 A further letter of objection was received which is along the same lines as the generic letter but also raises concerns over the extension.

- 7.3 Councillors Lent, De'ath and McGarry also object to this application for the same reasons as mentioned above. They also requested the application be considered at Planning Committee.

## 8. **ANALYSIS**

- 8.1 This application seeks planning permission to change the use of the property from two self-contained flats into an 8 person House in Multiple Occupation together with the erection of a single storey extension, a two storey extension and a dormer roof extension.

- 8.2 The property is presently in use as two self-contained flats therefore the main issue for this application is the impact the extensions together with the change

of use of the property from two self-contained flats into an 8 person HMO will have on the character of the area and the local community.

- 8.3 On 20<sup>th</sup> October 2016 the Council approved the Houses in Multiple Occupation Supplementary Planning Guidance and the Waste Collection and Storage Facilities Supplementary Planning Guidance. As such from this date forward they now form a material consideration in the determining of planning applications.
- 8.4 The approved Supplementary Planning Guidance on HMO's aims to provide background information on, and provide a rationale for how the council will assess applications for planning permission to create new C4 and *Sui Generis* HMOs. It aims to identify the threshold at which the concentration of HMOs in an area has reached a level considered to adversely impact upon the community. It is recognised that HMOs can provide an important source of housing, and it is recognised that demographic change has driven many of the changes that have seen traditional family homes to become HMOs. HMOs are a popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.

However, in spite of the above, concentrations of HMOs, clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems, including, but not limited to, those listed below. It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all.

- Increased population density, leading to greater demand for infrastructure, such as waste collections and on-street parking.
- Higher proportion of transient residents, potentially leading to less community cohesion, undermining existing community facilities.
- Areas of higher HMO concentrations becoming less popular with local residents, with many properties taken out of the owner-occupier market.
- A proliferation of properties vacant at certain points of the year.
- Subsequent impact on crime, local centre viability, as a result of the number of properties temporarily vacant for long periods.

Having identified some of the issues caused by HMOs it is necessary to determine the threshold at which new HMOs may cause harm to a local area. This threshold will resist further HMOs in communities that already have a concentration above this limit, while also controlling the growth of HMOs in communities below this threshold. A two-tier threshold will therefore be applied to determine when an area has reached the point at which further HMOs would cause harm. In Cathays and Plasnewydd the figure of 20% is to be applied' and in all other wards, the figure of 10% is to be applied.

This means that within Cathays or Plasnewydd, if more than 20% of the dwellings within a 50m radius of the proposed HMO are already established HMOs (i.e. either C4 or sui generis in Planning terms) then this development would be considered unacceptable. In other Wards the figure would be 10%.

Having regard to the “cumulative impact” of such conversions, in respect of this application, an analysis has been made on the extent of HMO’s (including those defined as such under Sections 254 to 259 of the Housing Act 2004 and those covered under the Additional Licensing Scheme which operates within the Cathays and Plasnewydd Wards of Cardiff) against the threshold limits identified above. As the application site is located within the Plasnewydd Ward of Cardiff a 20% threshold limit will be relevant and having undertaken such checks within 50m of the application site it was found that 6 properties within 50m of the application site were listed as HMO’s which equates to 19%. This is below the limit which would trigger the active consideration of negative cumulative impact consequences.

- 8.5 With respect to the extension and dormer roof extension they are considered acceptable in regards to their scale and design and will provide subservient additions to the property and will not prejudice the general character of the area. The proposal has been considered against Planning Policy and the Residential Extensions and Alterations (2015): SPG. The scale of the extension and its relationship with the existing dwelling and that of neighbouring properties is considered acceptable. It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority. Subject to conditions, it is not considered that the proposal would prejudice the privacy of neighbours.
- 8.6 In respect to parking whilst there is no proposed parking, there is no existing parking provision provided at the property either. The property is also close to the city centre and has good access to public transport and cycle routes.

The Houses in Multiple Occupation SPG identifies a one cycle parking space per bedroom and so as long as 8 cycle parking spaces are provided the proposal will be policy compliant. Condition 3 has therefore been imposed to ensure this the provision of cycle parking.

It should also be noted that where no car parking is proposed, residents will not be entitled to apply for a residents parking permit where such a scheme exists now or in the future. This is in accordance with current Transport Policy.

- 8.7 Waste Management have identified the required number of receptacles required for the proposed use of the property and these can be provided within the application site.

However they also object to the application on the basis that the Ward of Plasnewydd has a higher than average demand for Waste Enforcement and Street Cleansing services and that they feel that developments such as this would result in further demands on Waste Enforcement and Cleansing leading to detrimental impacts on the amenity and environmental quality of the area.

The Councils SPG on HMO’s advises that the Councils Waste Management Team cite a number of concerns regarding the high number of issues, concentrated in particular in Cathays and Plasnewydd and that there is a correlation between Wards with high concentrations of HMO’s and waste. The

Waste Collection and Storage of Waste SPG states that additional consideration should be made for those properties being converted into HMO's and that bin provision should be based on how many residents are based in each unit. As the percentage threshold for cumulative impact is cited as 20% and in this part of Bedford Street the figure is 19% it is considered that whilst the comments of Waste Management are noted the Council would not be able to substantiate a refusal on this ground alone.

It should also be noted that in recent appeal decisions on HMO's the issue of domestic rubbish control and street litter were raised. The Planning Inspector appointed by the Welsh Ministers advised that these were matters largely for management and resolution via effective organisation of services and community engagement strategies. It was noted by the Inspector that the Council contended that the proposals conflicted with policy W2 Provision for Waste Management Facilities in Development of the LDP, although he noted that the Council had accepted that adequate provision of facilities for the storage, recycling and other management of waste could be made at each property to cater for the proposal. The Inspector concluded that the proposals complied with policy W2, and were capable of meeting the standards set out in the Council's *Waste Collection and Storage Facilities* SPG and that conditions could be imposed to ensure that this occurred. Planning permission was subsequently allowed on appeal.

Condition 4 has therefore been imposed to ensure that suitable bin storage provision is provided.

- 8.8 In respect of amenity space the Houses in Multiple Occupation SPG seeks to retain sufficient space to accommodate bin and cycle storage, a washing line and a useable form of amenity space. It identifies that a property used by 8 persons should have a minimum of 30 square metres. As this will be exceeded then it is considered that a sufficient amount of amenity space will be available for future occupiers to use and there is no objection in this respect.
- 8.9 With regard to concerns raised that have not been previously addressed it should be noted that surrounding neighbours were notified of the planning application and issues with respect to the current occupiers and their antisocial behaviour is a matter for the police and not the Council in its role as Local Planning Authority
- 8.10 It should also be noted that similar extensions have been granted at 20 and 22 Bedford Street – Planning Applications 15/2706MNR and 14/1492DCI refer.

## 9. **RECOMMENDATION**

- 9.1 Having taken all of the relevant factors into consideration it is concluded that the proposal is compliant with the aims and objectives of the policies cited above and will not result in an unreasonable impact upon the residential amenity of the adjoining residential occupiers and planning permission is therefore recommended subject to conditions.



**SITE LOCATION PLAN 1:1250**

**NORTH**



**DEVELOPMENT AT  
24 BEDFORD STREET  
CARDIFF**

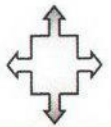
**EXISTING ELEVATIONS**



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**DTB DESIGN**

286 NORTH ROAD CARDIFF CF14 3BN  
TEL 029 2069 4100



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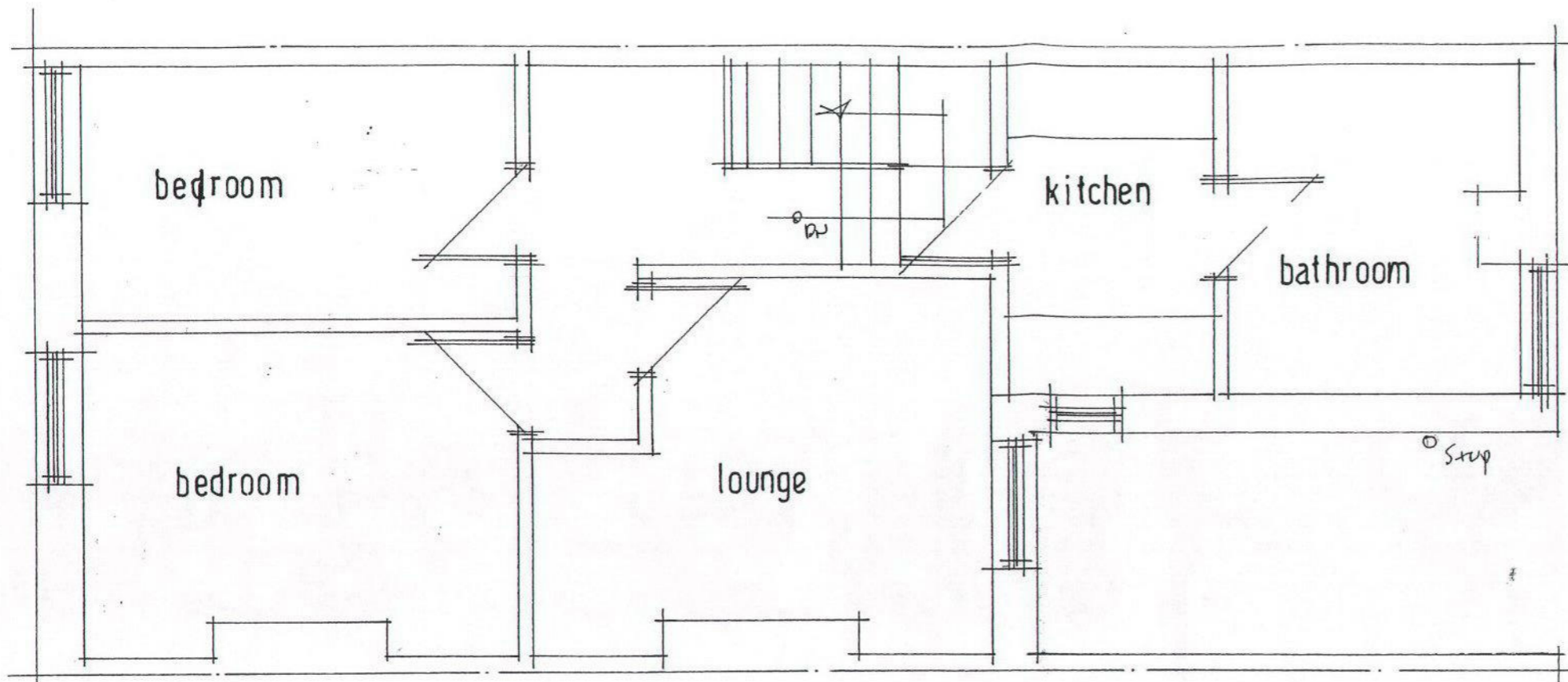
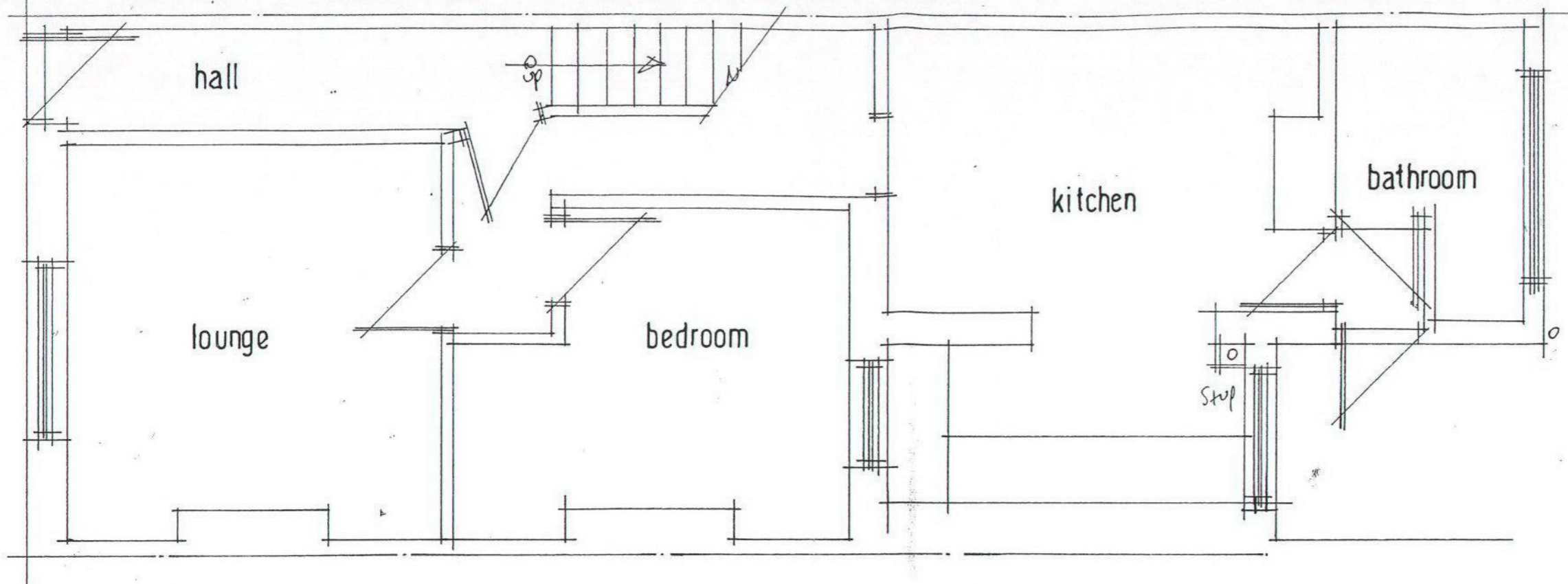
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**24 BEDFORD STREET  
CARDIFF**

DATE MAY 2016

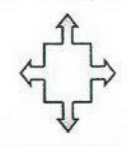
PLAN NO: BZE1/1





**GROUND & FIRST FLOOR EXISTING 1:50**

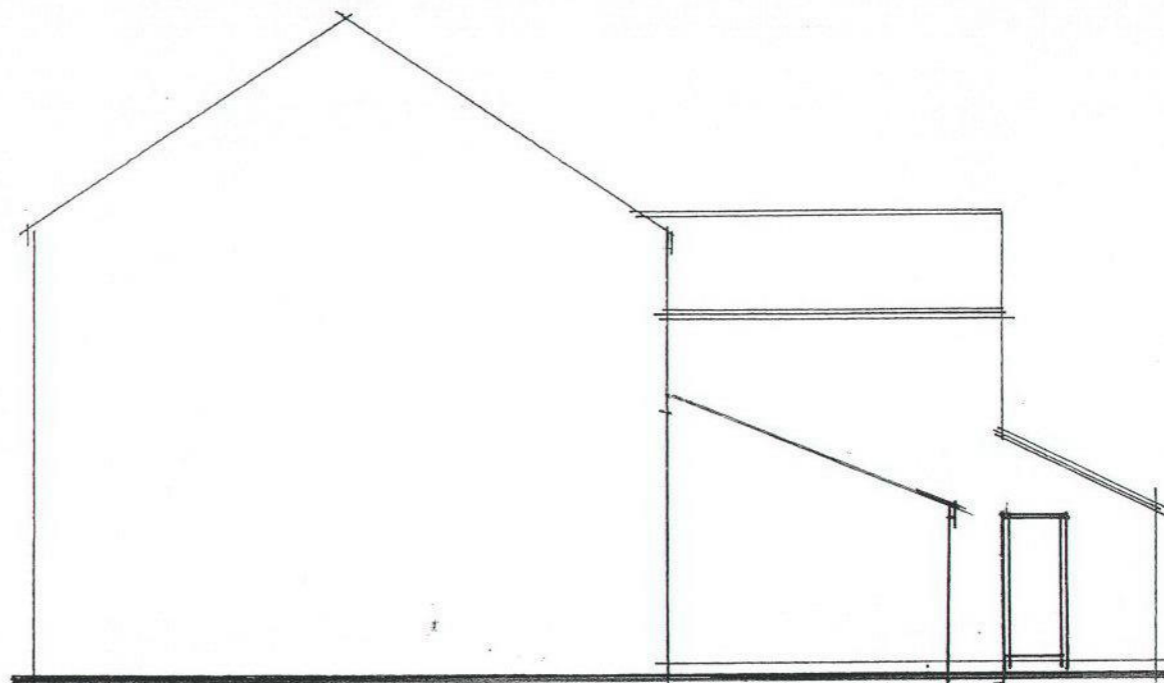
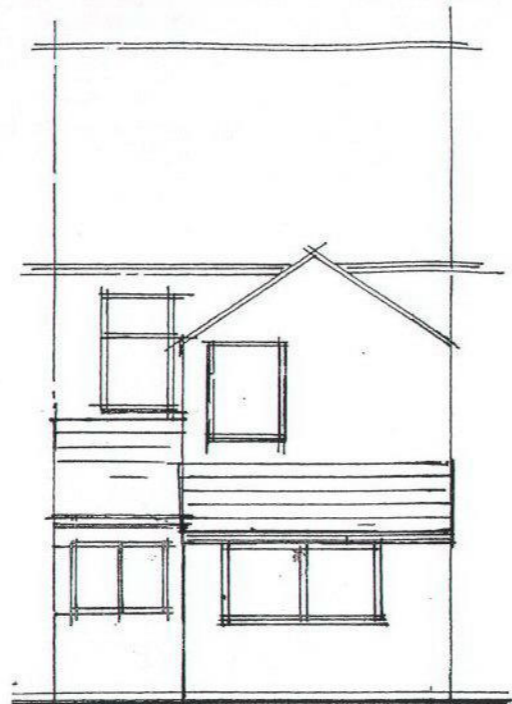
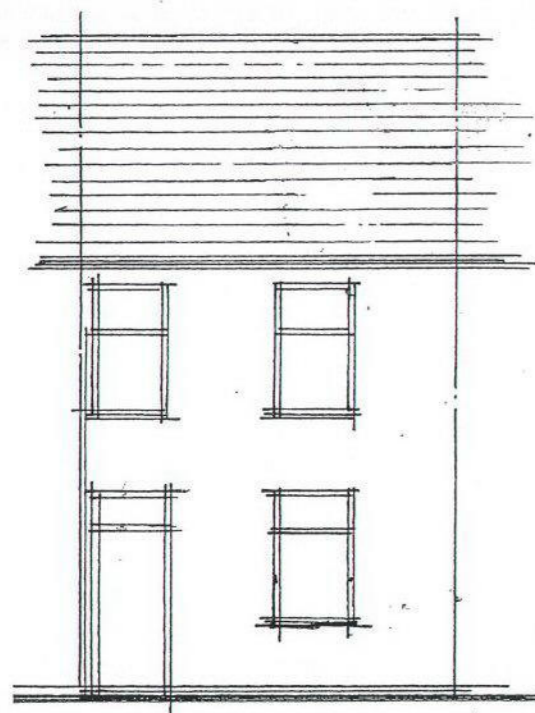
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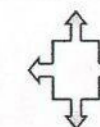
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**DEVELOPMENT AT  
 24 BEDFORD STREET  
 CARDIFF**

DATE MAY 2016 PLAN NO. BZE1/2



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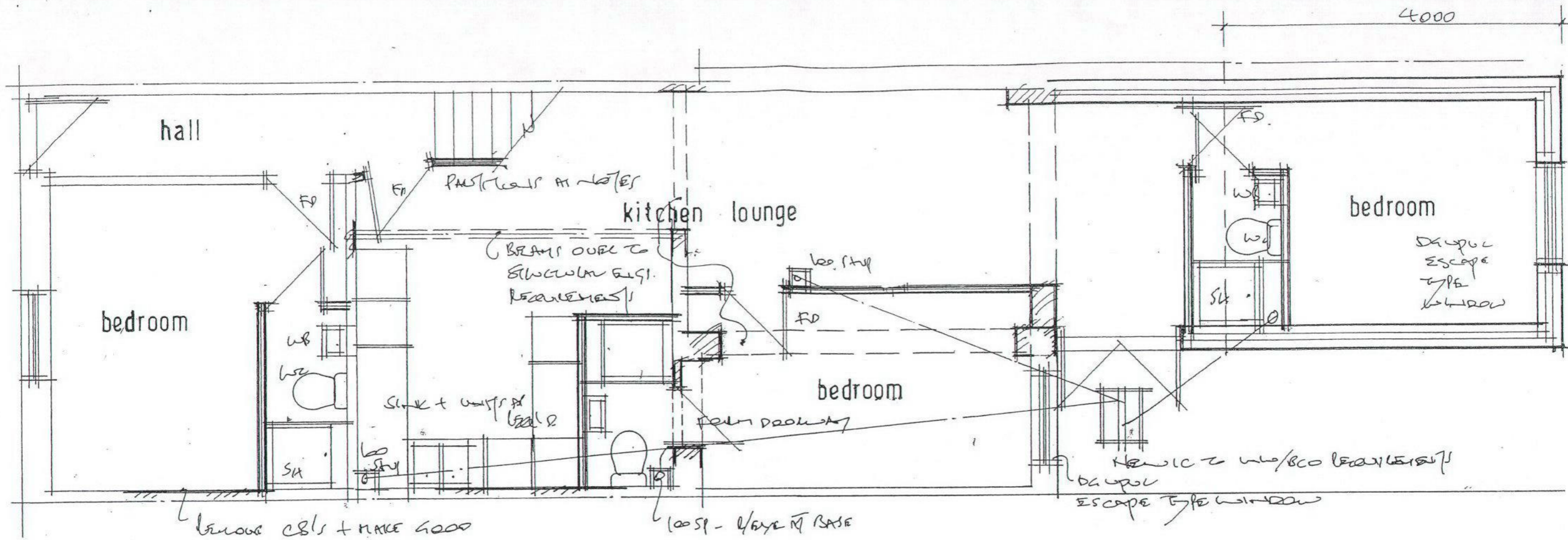


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**DEVELOPMENT AT  
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CARDIFF**

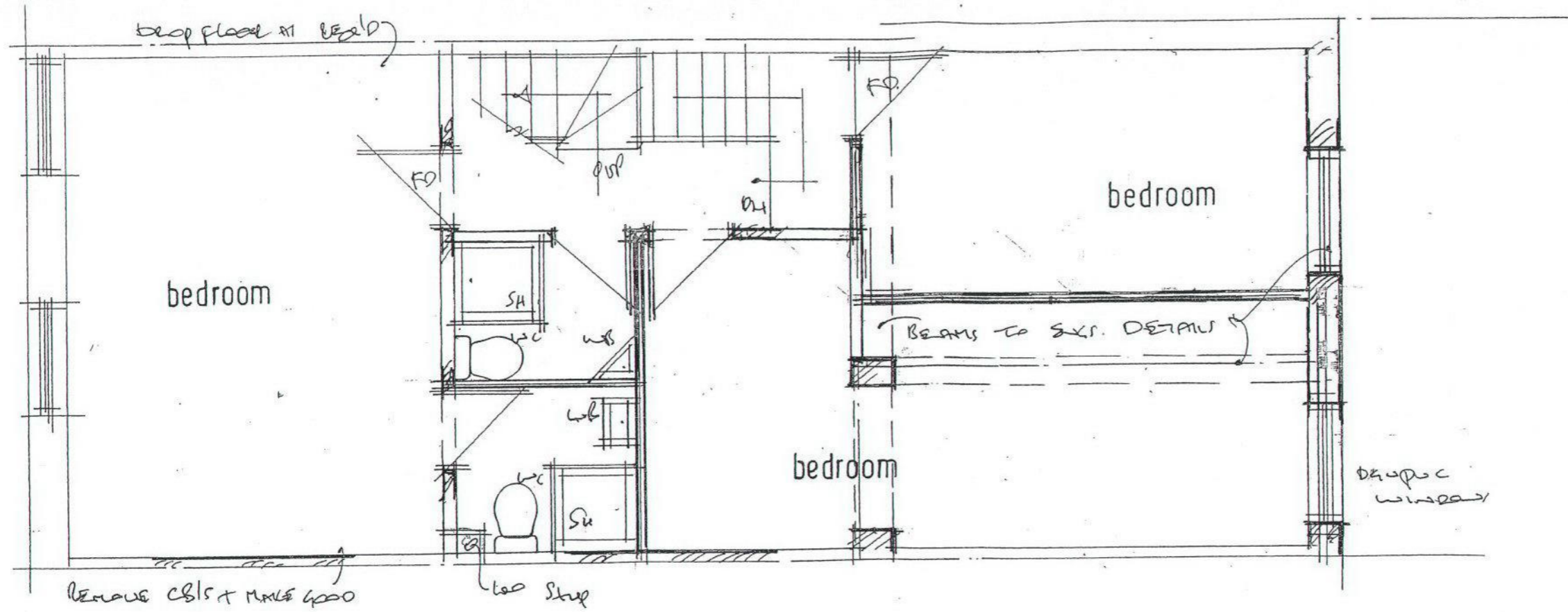
DATE MAY 2016 PLAN NO. BZE1/3

FRONT, REAR & SIDE ELEVATIONS EXISTING 1:100



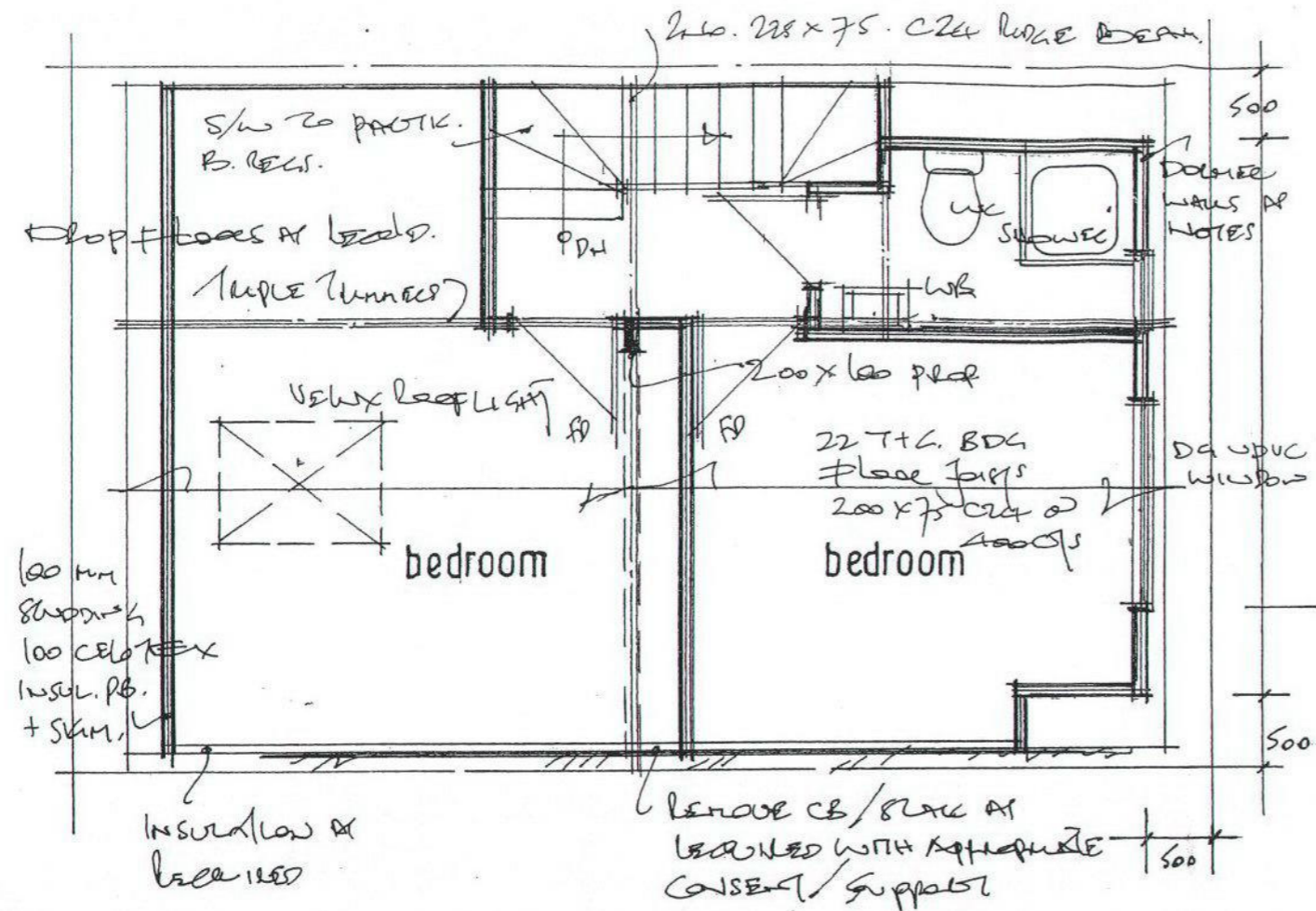
# GROUND FLOOR PROPOSED 1:50

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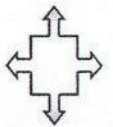
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<b>DEVELOPMENT AT</b> <b>24 BEDFORD STREET</b> <b>CARDIFF</b>				
DATE MAY 2016    PLAN NO. BZE1/5				



# SECOND FLOOR PROPOSED 1:50

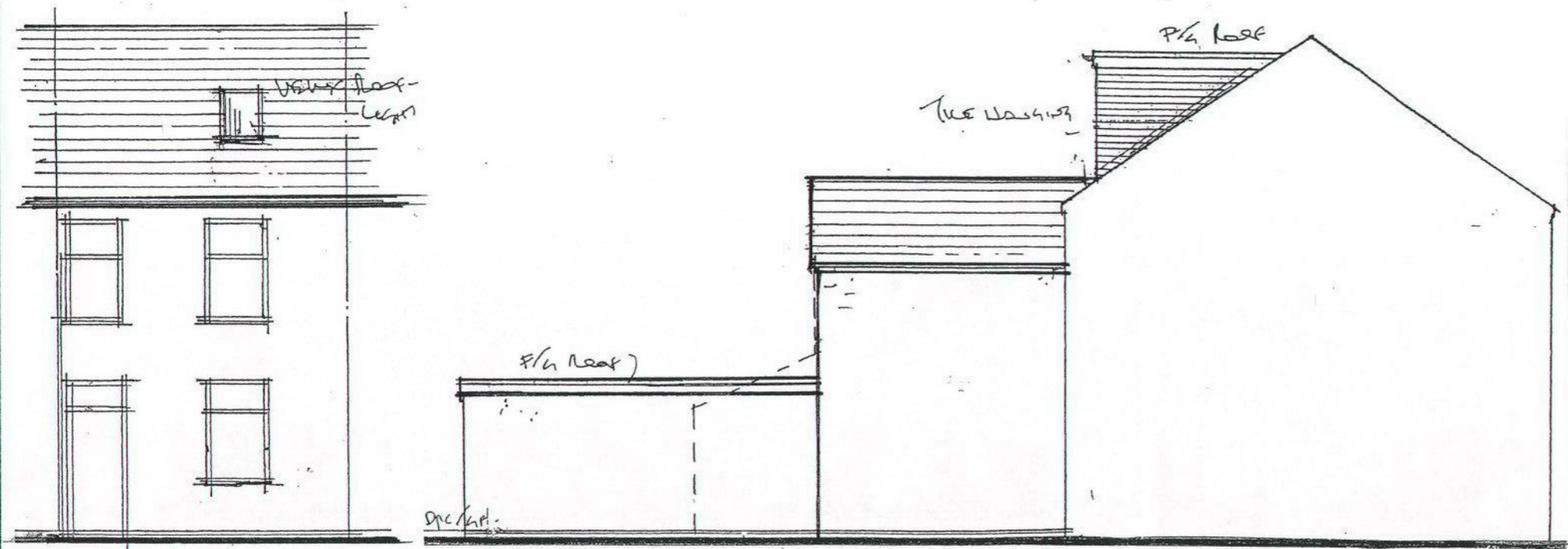
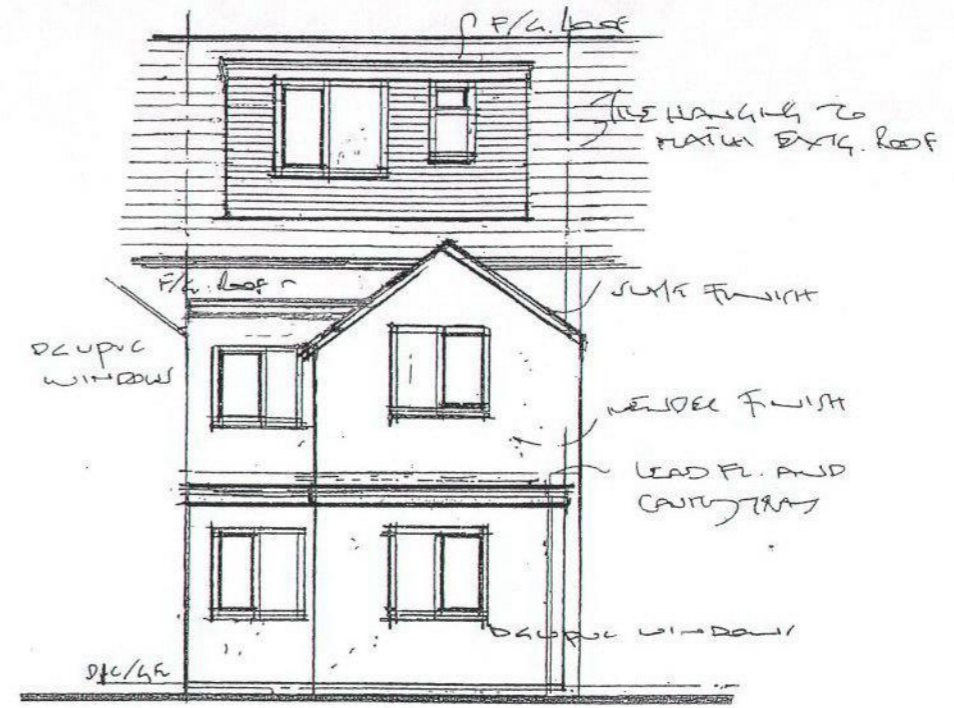
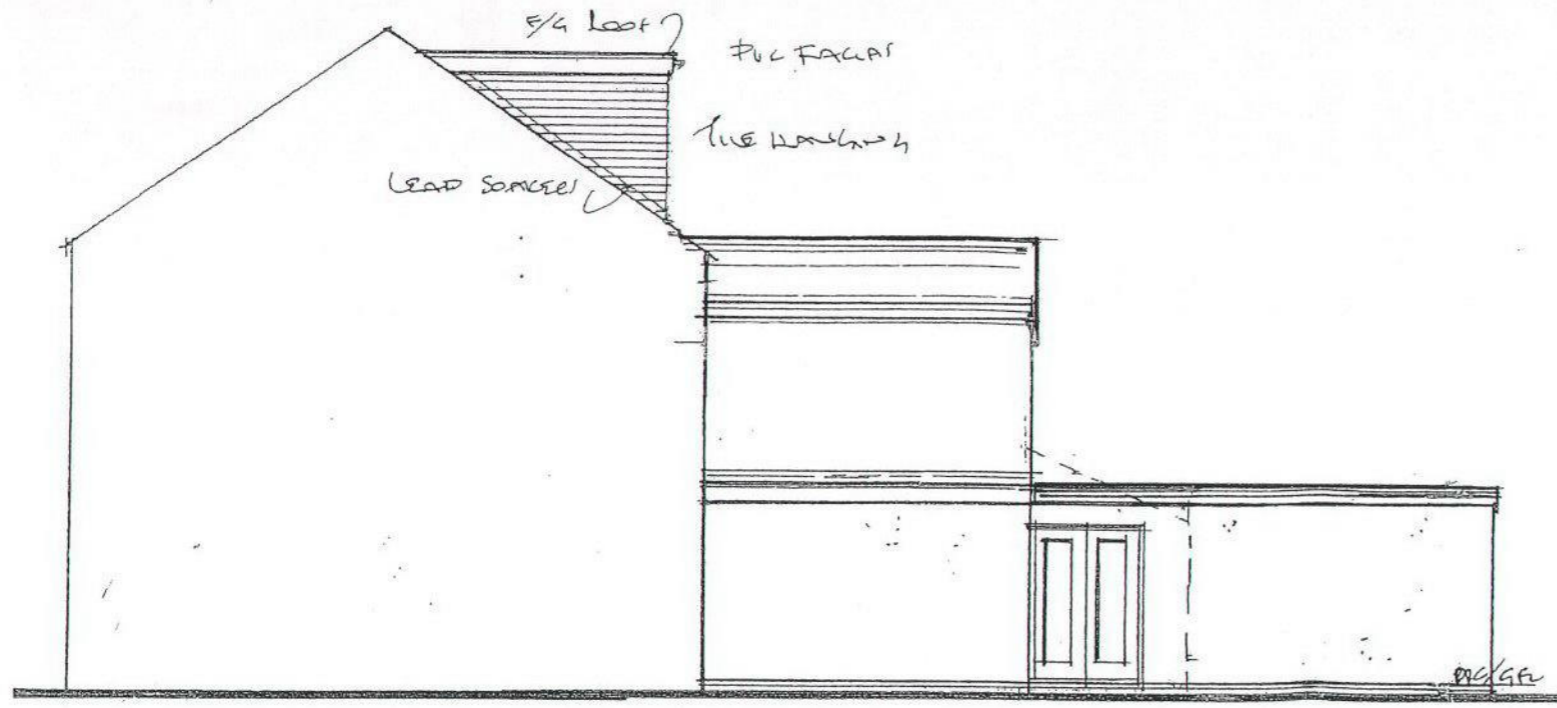
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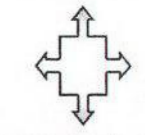
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**DEVELOPMENT AT  
 24 BEDFORD STREET  
 CARDIFF**

DATE MAY 2016 PLAN NO. BZE1/6



FRONT, REAR & SIDE ELEVATIONS PROPOSED 1:100

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