

COMMITTEE DATE: 16/10/2019

APPLICATION No. **19/02232/MNR** APPLICATION DATE: 14/08/2019

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: M.D.Walters Property

LOCATION: 5 MAY STREET, CATHAYS, CARDIFF, CF24 4EW

PROPOSAL: CHANGE OF USE OF A THREE-BEDROOM (C3) DWELLING  
INTO A FIVE-BEDROOM HMO C4 USE (RETROSPECTIVE)

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**RECOMMENDATION** : That planning permission be **REFUSED** for the following reasons :

1. The use of the property as a C4 House in Multiple Occupation will further exacerbate the unacceptable cumulative adverse impacts on the amenities of the area by virtue of :
  - a higher number of transient residents leading towards less community cohesion and undermining the objectives of securing a sustainable mixed use community, contrary to Policy KP5 (Good Quality and Sustainable Design) and H5 (Sub-Division or Conversion of Residential Properties of the Cardiff Local Development Plan (2006-2016) and the Houses in Multiple Occupation Supplementary Planning Guidance (2016);
  - a higher portion of transient residents leading to an increase of cumulative demand on social, community and physical infrastructure, contrary to Policy KP5 (Good Quality and Sustainable Design) and H5 (Sub-Division or Conversion of Residential Properties of the Cardiff Local Development Plan (2006-2016) and the Houses in Multiple Occupation Supplementary Planning Guidance (2016).
2. The use of the property as an C4 House in Multiple Occupation will further exacerbate the negative impacts caused by Houses in Multiple Occupation in respect of crime and anti-social behaviour, contrary to Policy H5 (Sub-Division or Conversion of Residential Properties of the Cardiff Local Development Plan (2006-2016) and the Houses in Multiple Occupation Supplementary Planning Guidance (2016).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to retain the change of use of the property from a C3 residential dwelling house to a C4 House in Multiple Occupation (3-6 occupants). The applicant states that the property has been in use as a House in Multiple Occupation since 25/08/2017. This application

seeks to regularise the current use of the property.

- 1.2 Members should note that the proposal does not include any external alterations or extensions to the property.
- 1.3 Internally, the accommodation would comprise, a combined kitchen / diner / living room, two bedrooms and a shower / WC on the ground floor and three bedrooms bathroom and WC on the first floor.
- 1.4 Externally, an amenity space of approximately 38 square metres would be provided at the rear of the property where cycle parking and waste storage facilities would be provided.

## 2. **DESCRIPTION OF THE SITE**

- 2.1 The site comprises a two storey mid-terrace dwelling house with a rear two storey annex that has been extended at ground floor level. The property is not listed or located within a Conservation Area, nor within a flood zone.

## 3. **PLANNING HISTORY**

Application No : 16/02306/DCH  
Proposal : REAR EXTENSION  
Application Type: HSE  
Decision : PER  
Decision Date : 21/11/2016

## 4. **POLICIES OF PARTICULAR RELEVANCE**

### *National Planning Policy*

- *Planning Policy Wales (10<sup>th</sup> Ed) 2018*
- *Technical Advice Note 12: Design*
- *Development Management Manual*

### *Cardiff Local Development Plan 2006-2026 (2016)*

- *Policy EN14 (Flood Risk)*
- *Policy H5 (Sub-division or Conversion of Residential Property)*
- *Policy KP5 (Good Quality and Sustainable Design)*
- *Policy T5 (Managing Transport Impacts)*
- *Policy W2 (Provision of Waste Management Facilities in Development)*

### *Supplementary Planning Guidance*

- *Managing Transportation Impacts (Incorporating Parking Standards) SPG 2018*
- *Houses in Multiple Occupation (HMO's) (October 2016)*
- *Waste Collection and Storage Facilities (October 2016)*

## 5. **INTERNAL CONSULTEE RESPONSES**

### 5.1 Traffic and Transportation have been consulted and commented as follows:

*‘The proposal is to convert the dwelling to a 5-bed HMO and thus at least 5 cycle parking spaces are required. Whilst an area for cycle parking is shown, the spacing seems tight and they are all of the semi-vertical type, whereas we would want at least some not of that type to ease accessibility. A ‘fixing bar’ in the rear could provide an alternative for a space. The cycle parking should be covered’.*

### 5.2 Waste Management have been consulted and commented as follows:

*‘The proposed location for the storage of waste and recycling at the rear of the property in the amenity area is acceptable’.*

## 6. **EXTERNAL CONSULTEE RESPONSES**

### 6.1 South Wales Police have been consulted and object to the application on the grounds that the high concentration of HMOs could have a negative impact on crime levels in the area.

## 7. **REPRESENTATIONS**

### 7.1 Neighbours have been consulted and no comments have been received.

### 7.2 Local Ward Councillors Mackie, Merry and Weaver have been consulted and no comments have been received.

## 8. **ANALYSIS**

### 8.1 The application seeks planning permission to retain the use of the property as a five bedroom C4 House in Multiple Occupation (HMO). As use Class C4 allows for tenanted living accommodation occupied by up to six people, who are not related and who share one or more basic amenities as their only or main residence, the main issue for this application is the impact the change of use will have on the character of the area, the community and the living conditions of future occupiers of the property.

### 8.2 Policy Considerations – In respect of the conversion of the property to a C4 HMO, Policy H5 of the adopted LDP is considered relevant. Further guidance can also be found in the adopted HMO SPG.

### 8.3 Policy H5 of the LDP is considered to be prescriptive policy whereby as long as the relevant criteria is met there is unlikely to be any objection to such proposals. It advises that:

‘proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where:

- i. The property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.
- ii. There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise or overlooking.
- iii. The cumulative impact of such conversions will not adversely affect the amenity and/or character of the area.
- iv. Does not have an adverse effect on local parking provision.

8.5 The approved Supplementary Planning Guidance on HMO's further expands on this Policy and 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 HMO's. It aims to identify the threshold at which it is deemed that the concentration of HMO's 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 become HMOs. HMOs are a popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.

However, 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:

- Increased population density, leading to greater demand for infrastructure, such as waste collections and on street parking.
- A 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.

It is considered that this may conflict with Policy KP13 of the LDP which aims to improve quality of life for all.

Having identified some of the issues caused by HMOs the Council considered it was necessary to determine a threshold at which new HMOs may cause harm to a local area. This threshold will resist further HMO's 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 50% 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 HMOs (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 Cathays Ward of Cardiff a 20% threshold limit will be relevant and having undertaken such checks within the 50m of the application site it was found that 86% of properties within 50m of the application site were registered HMOs. This is above the 20% limit which would trigger the active consideration of negative cumulative impact consequences.

- 8.6 Room Sizes – The Cardiff HMO Licensing Fire & Safety Standards (updated in 2014) sets standards in terms of amenity, space standards and facilities which must be adhered to in order to obtain a License from the Council. From a planning perspective, paragraph 6.1.1 of the adopted HMO SPG identifies that this would be the minimum that would be expected to be achieved for all applications for both C4 HMO's and larger sui generis HMO's. Having had regard to this criteria the submitted plans indicate that these standards would be met.
- 8.7 Waste – Policy W2 of the Cardiff Local Development Plan seeks to ensure that adequate provision is made for waste management facilities within new developments, in order to aid the Council in meeting the challenging waste recycling targets set by European and National targets. Facilities provided should be secure, unobtrusive and easily assessable.

The adopted Waste Collection and Storage Facilities SPG supplements policies adopted in the LDP relating to the provision of waste management facilities in new development. Paragraph 4.12 of the approved SPG on Waste Collection and Storage Facilities advises that for HMO's the recommended bin allocation for between 1 & 5 residents is as follows:

*1 x 140L bin for general waste*  
*1 x 240L bin for garden waste (if required)*  
*1 x 25L bins for food waste*  
*Green bags for recycling.*

This is the same waste allocation as an existing C3 residential property. As this application seeks the change of use of the property to a C4 HMO (5 occupants) then there will be no change in waste allocation requirements. Waste Management has been consulted and does not object to the proposal.

- 8.8 Transportation - Policy KP8 of the LDP seeks to reduce travel demand and dependence on the car. It identifies that to accommodate the planned growth levels predicted for the city, existing and future residents will need to be far less reliant on the private car and seeks to ensure that more everyday journeys are undertaken by sustainable modes of transport. Policy T5 of the LDP also identifies that all new development for which planning permission is required

will contribute to reducing reliance on the private car, in line with national planning policies and the strategic transport objectives of the LDP. The Council's approved Supplementary Planning Guidance on Managing Transportation Impacts (Incorporating Parking Standards) supplements the LDP in this respect and sets out the Council's approach to assessing and managing the transport impacts of developments within the City. Section 6 of the SPG refers to parking standards and is therefore an important tool to be used in managing demand for travel by car and encouraging a shift to sustainable transport modes.

In respect of car parking the SPG identifies that a C4 HMO does not require any off-street car parking spaces to be policy compliant.

With respect to cycle parking the use of the property as a C4 HMO requires 1 undercover and secure cycle parking space per bedroom to be policy compliant. As this application seeks the change of use of the property to a 5 bedroom HMO then 5 undercover and secure cycle parking spaces will need to be provided. The comments by the Transportation officer are noted, however, there would appear to be sufficient space within the rear amenity area to accommodate sufficient cycle storage provision and therefore, it is considered that it would be unreasonable to refuse planning permission on these grounds.

- 8.9 Amenity Space – Criterion i) of Policy H5 of the LDP advises that planning permission will be granted where *“The property is of a size whereby the ...external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.”* This is further reinforced by the HMO SPG which advises that amenity space is important in retaining a quality of life for people living within the dwelling. Paragraph 6.3.2 of the SPG states *“The City of Cardiff Council has typically used the figure of 25m<sup>2</sup> as the minimum expected external useable amenity space for C3 dwellings, i.e. for those dwellings up to 6 persons. This level should also apply to C4 properties. Each additional person would be expected to have 2.5m<sup>2</sup>. As such, for example, the minimum expected for a 7 bed HMO would be 27.5m<sup>2</sup> of external amenity space. Each additional person should result in a corresponding increase of 2.5m<sup>2</sup>. Useable amenity space is considered to be at least 1.4m wide, enabling storage and access.”*

In respect of amenity space as the application seeks permission for to change the use of the property to a C4 HMO then 25 square metres will be required. Having undertaken an assessment of the property an amenity space of approximately 38 square metres will be available for occupiers to use. As the minimum amenity space requirement as specified in the HMO SPG will be 25 square metres the proposal is therefore considered acceptable when considered against the HMO SPG.

## 9. **RECOMMENDATION**

- 9.1 The Council is mindful of the current climate with respect to the amount of HMO's within the City and that there are concerns that a proliferation of such uses can undermine the character of an area to the detriment of local residents.

In respect of this application it is considered that the proposal does not comply with both local and national planning policies with respect to HMO's and the Council's adopted SPG on HMO's.



CHIEF EXECUTIVE

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**Title**

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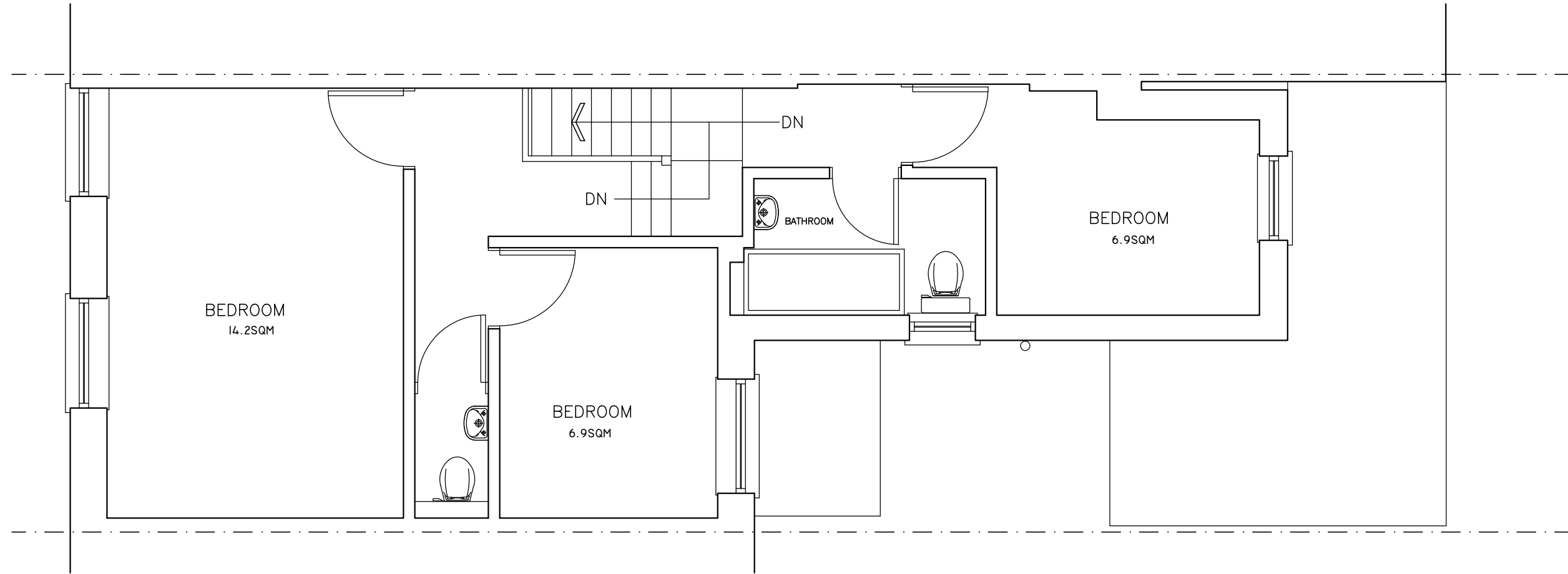
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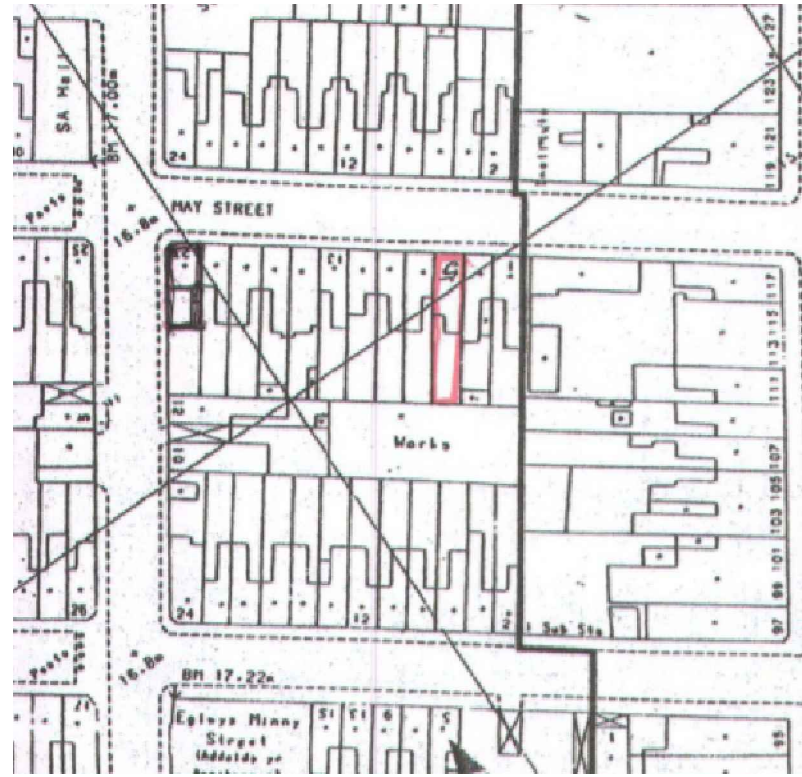
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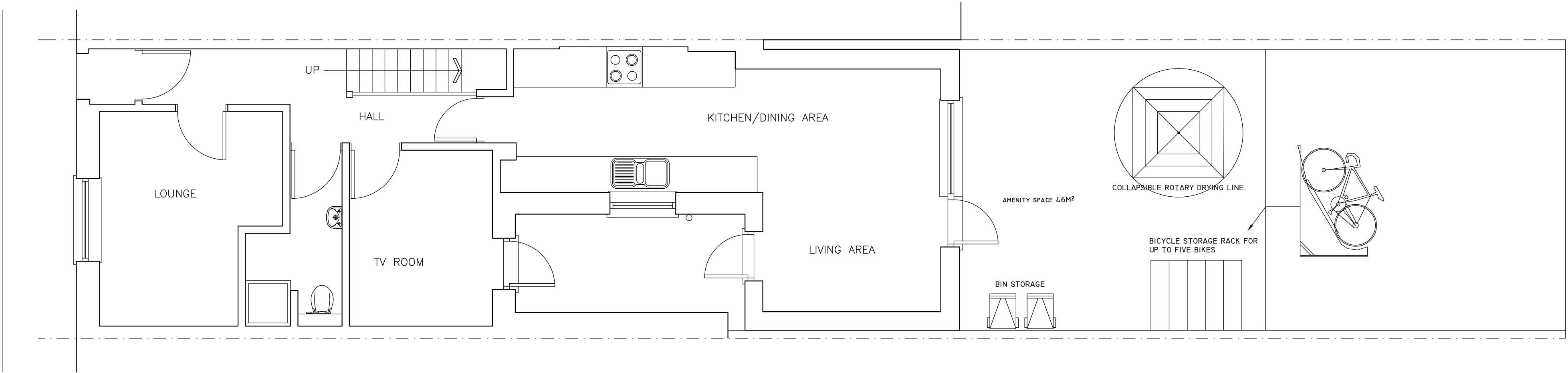


FIRST FLOOR PLAN



LOCATION PLAN

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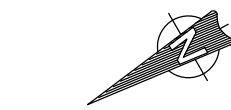
GROUND FLOOR PLAN AND SITE LAYOUT



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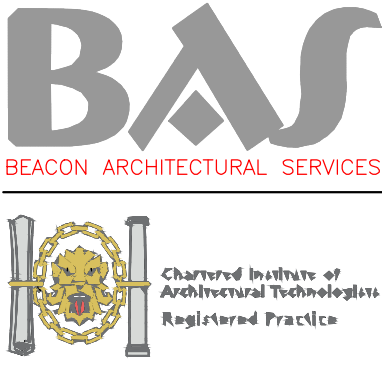
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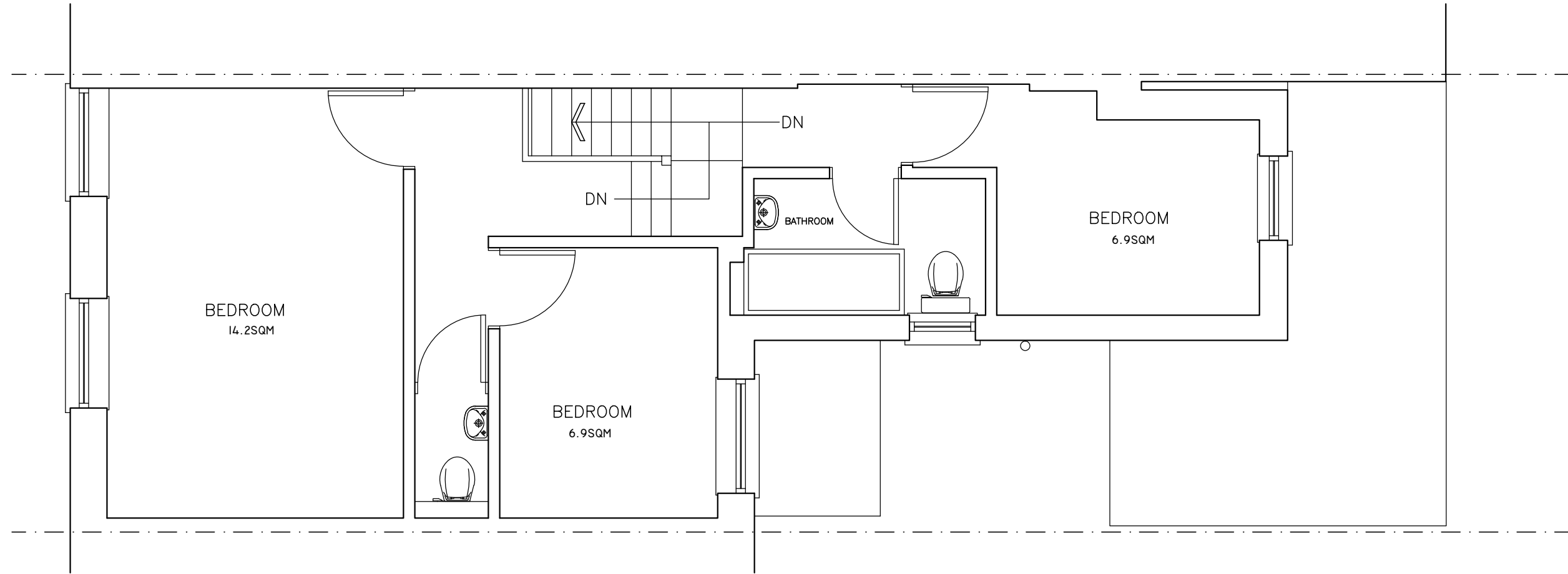
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EXISTING PLANS AND LOCATION PLAN



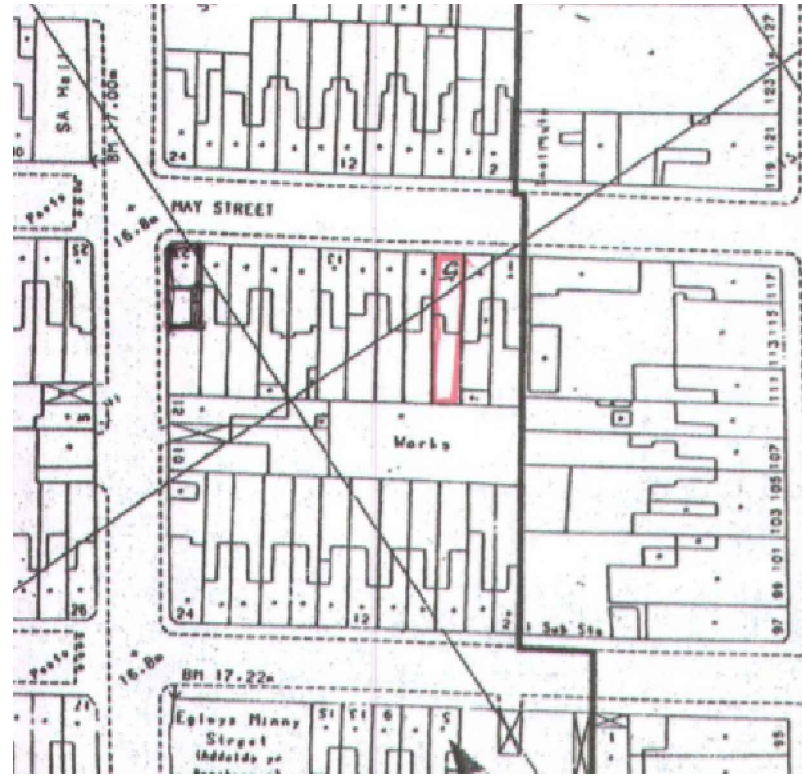
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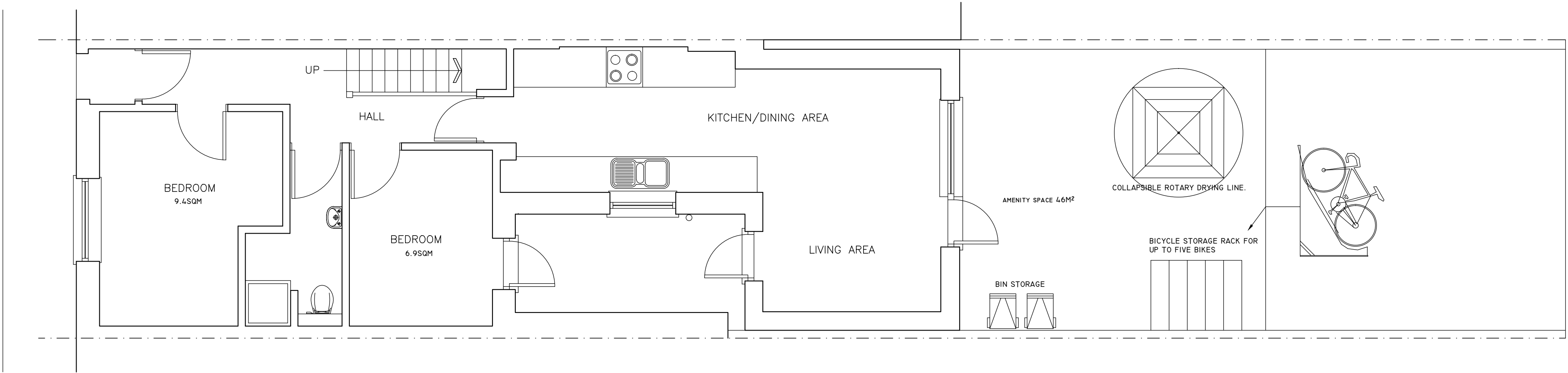


FIRST FLOOR PLAN



LOCATION PLAN

SCALE 1:1250



GROUND FLOOR PLAN AND SITE LAYOUT

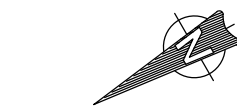
KEY:

EXISTING THREE BEDROOM TERRACED HOUSE FOR SALE RENT: TO BE CONVERTED TO A FIVE BEDROOM HOUSE FOR MULTIPLE OCCUPATION (HMO). THE PROPERTY WILL BE PROVIDED WITH A SECURE BIN AND BIKE STORE FOR 5 BIKES.



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Project:  
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PROPOSED PLANS AND LOCATION PLAN



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