

PETITION

COMMITTEE DATE: 19/01/2022

APPLICATION No. **21/01545/MNR** APPLICATION DATE: 12/07/2021

ED: **GRANGETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Penketh
LOCATION: 12 KENT STREET, GRANGETOWN, CARDIFF, CF11 7DL

PROPOSAL: CHANGE OF USE FROM C3 DWELLING HOUSE TO C4 HOUSE OF MULTIPLE OCCUPATION

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

1. C01 Statutory Time Limit
2. The development shall be carried in accordance with the following approved plans:
 - Plan 02.1
 - Plan 02.2
 - Plan 02.3
 - Plan 02.4

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 beneficial use of the property as a C4 HMO 4 undercover and secured cycle parking spaces, as indicated on the submitted plans shall be provided within the curtilage of the property and shall thereafter be retained and maintained for as long as the use hereby permitted remains in existence.

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

4. Prior to the beneficial use of the property as C4 HMO the refuse storage area, as indicated on the approved site layout plan, shall be provided within the curtilage of the property. The refuse storage area shall thereafter be retained and maintained for as long as the use hereby permitted remains in existence.

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.

RECOMMENDATION 2 The applicant be advised that the property may now be licensable under Part 2 of the Housing Act 2004 and in this respect they should contact Shared Regulatory Services on 0300 123 6696 to confirm if a license is required. Alternatively further information can be found at the following link

<https://www.srs.wales/en/Housing/HMO-Licensing/HMO-Licensing.aspx>

RECOMMENDATION 3: As the site is located within a flood risk area future occupants/owners are advised to sign up to the Environment Agency's Flood Warning service. Additional guidance can be found on the following website:

<https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to change the use of the property into a 4 bedroom C4 HMO. The submitted drawings/details provide information regarding the principal matters for consideration as set out in the relevant Supplementary Planning Guidance.
- 1.2 Internally the property accommodates one bedroom, a kitchen/diner and a lounge on the ground floor; two bedrooms, three bathrooms and a study on the first floor and one bedroom in the converted roofspace.
- 1.3 Externally a rear amenity area of 45 square metres will be provided excluding the area shown for waste storage and cycle storage.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey property located within a terrace of two storey properties within the Grangetown Ward of Cardiff. The lawful use of the property is as a C3 residential dwelling.

3. **RELEVANT SITE HISTORY**

None

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.

Relevant National Planning Guidance:

Planning Policy Wales (2021)

Future Wales: The National Plan 2040 (2021)

Planning Policy Wales TAN 11: Noise

Planning Policy Wales TAN 12: Design

Planning Policy Wales TAN 15: Development and Flood Risk

Planning Policy Wales TAN 21: Waste

Relevant Cardiff Local Development Plan Policies:

Policy KP5: Good Quality and Sustainable Design
Policy KP8: Sustainable Transport
Policy KP13: Responding to Evidenced Social Needs
Policy EN13: Air, Noise, Light Pollution and Contaminated Land
Policy H5: Sub-Division or Conversion of Residential Properties
Policy T5: Managing Transport Impacts
Policy C3: Community Safety/Creating Safe Environments
Policy W2: Provision for Waste Management Facilities in Development

Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (2016)
Houses in Multiple Occupation (2016)
Managing Transportation Impacts (Incorporating Parking Standards) (2018)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Waste Management have been consulted and have advised that the proposed area for the storage of waste and recycling has been noted and is acceptable.

The property will require the following for recycling and waste collections:

- Bespoke bags equivalent to 240 litres for general waste
- 2 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling

The storage of which must be sensitively integrated into the design.

Refuse storage, once implemented, must be retained for future use.

- 5.2 Traffic and Transportation have been consulted and have not commented on this application.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police have been consulted and have not commented on this planning application.

- 6.2 Natural Resources Wales (NRW) were consulted as the property is situated within a C1 Flood Zone. The applicant submitted a Flood Consequences Assessment. NRW have advised that they do not object to the proposal.

7. **REPRESENTATIONS**

- 7.1 Neighbours have been consulted. Objections have been received from the

occupiers of 6, 10, 22, 27, 30, 32, 34 Kent Street; 63 Pentrebane Street and Grange Farm, Clive Street. A summary of the objections are as follows:

- An increase in anti-social behaviour;
- An increase in parking making it difficult for residents to find a parking space;
- An increase in waste and rubbish being dumped on the street;
- Quality and standard of existing rental properties on Kent Street;
- Loss of family accommodation;
- Lack of consultation prior to submission;
- Noise from the refurbishment of the property;
- The negative impact on the adjoining neighbours;
- The use of the property will damage the social cohesion of the community;
- Water pressure too low to cater for 3 bathrooms affecting residents wellbeing;
- Fire proofing of the attic space;
- Future maintenance of the property;
- The property is too small to be converted into 6 dwellings;

7.2 A petition of 50 signatures has also been received objection for the following reasons:

Kent Street, Grangetown is a close-knit community with a friendly atmosphere and is family orientated with young families, elderly residents and less able residents. Because of what this street and community mean to us, we present this petition as a sign of our objection to the plan to change 12 Kent Street from C3 dwelling house to C4 house of multiple occupation. We object to the plan for the following reasons:

- *Another house of multiple occupation could damage the social cohesion with high levels of transient residents and fewer long term households and established families*
- *Potential increase in antisocial behaviour and increased noise*
- *On street parking is already difficult, and 6 more occupants will worsen the situation*
- *Houses of multiple occupation on streets have a history of litter problems that are a hazard to children and attract vermin and the proposed plan will potentially add to this problem. Research shows that litter increases near houses of multiple occupation.*
- *Potential increased fire risk to adjoining properties*
- *No consultations whatsoever between property owner and neighbours/residents and no site notice posted*

We call on Councillors Ashley Lister, Abdul Sattar, Lynda Thorne and members of Cardiff Council Planning Department and Committee to give careful consideration to this petition and our objections as listed above, as we believe the planning application for 12 Kent Street is to the detriment of the street's community and the wider community in Grangetown. If you wish to be a capital that shows ambition and puts its residents first, we urge you to consider our petition.

- 7.3 Since the petition was submitted a letter has been received from the occupier of Kent Street Stores, 47 Kent Street. The letter explains that they have no objection to the proposal after the applicant explained their proposal to them. They originally signed the petition objecting to the proposal but have now confirmed they withdraw their original objection.

8. **ANALYSIS**

- 8.1 This application seeks planning permission to convert the property into a four bedroom C4 HMO. As Use Class C4 allows for tenanted living accommodation occupied by between three and 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 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 a 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 the character of the area.*
- iv. Does not have an adverse effect on local parking provision.”*

- 8.4 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* HMOs. It aims to identify the threshold at which it is deemed that 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 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.
- 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 the 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 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) against the threshold limits identified above. As the application site is located within the Grangetown Ward of Cardiff a 10% threshold limit will be relevant. There are 39 properties (including flats which are also classed as residential accommodation) within a 50m radius of the application site of which none are registered as HMO’s which equates to 0%. As this is below the 10% threshold then it is considered that the proposal would not trigger the active consideration of negative cumulative impact consequences.

8.5 **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.

- 8.6 **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.

Details of waste provision have been submitted as part of this application. Waste Management have confirmed that the submitted details are acceptable and condition 4 has been imposed accordingly.

- 8.7 **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 creation of a HMO in this sustainable location is considered to fundamentally accord with the principles of sustainable design, locating places to live within walking distance of local amenities, public transport links and places of work. It would therefore intrinsically accord with the principles of sustainable transport and the promotion of a 50/50 modal split, as promoted by Policy KP8, as occupiers would not be reliant upon the private car as a mode of transport. The creation of bicycle parking spaces for occupiers of dwellings is considered an essential element in promoting sustainability and achieving the modal split. The Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that a C4 HMO will require a minimum of 1 cycle parking space per bedroom. As the proposal is for a 4 bedroom HMO then 4 cycle parking spaces will be required.

In respect of cycle parking the applicant has submitted details showing the provision of an existing outbuilding measuring 5m x 2m which is situated within the rear garden which would be capable of securing 4 cycles in a horizontal position. This is considered acceptable and condition 3 has been imposed accordingly.

In respect of car parking the Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that a C4 HMO will require between zero and one off street car parking space to be policy compliant. The application does not propose any off street car parking spaces which is in accordance with the SPG. Whilst it is noted that objections have been received suggesting that the proposal will result in an increase the demand for on street parking the aims and objectives of both the LDP and SPG are to seek to reduce dependence on the private motor vehicle. As such the proposal is considered acceptable with no car parking facilities provided.

- 8.8 **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 25m² 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 2.5m². As such, for example, the minimum expected for a 7 bed HMO would be 27.5m² of external amenity space. Each additional person should result in a corresponding increase of 2.5m². 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 a private rear amenity space of approximately 45 square metres will be available for occupiers to use in addition to provision for bin and cycle storage facilities. 10 square metres are to be provided alongside the rear annex and 35 square metres are to be provided to the rear of the kitchen. As the minimum amenity space requirement as specified in the HMO SPG is 25 square metres the proposal is therefore considered acceptable in this regard.

- 8.9 **Flood Risk - TAN 15 Flood Risk Assessment Criteria** - It is noted that the proposal is already in use as residential accommodation and located in an area which is already developed and served by significant infrastructure and flood defences (Zone C1 of the DAM).

The property is located in a sustainable location and supports the Cardiff Local Development Plan strategy which states that Cardiff has a significant need for new homes including family homes, affordable homes together with

catering for the whole range of needs. It also states that the subdivision of a residential building into smaller residential units can be an important source of housing.

The site meets the definition of previously developed land and concurs with the aims of Planning Policy Wales i.e. the presumption in favour of sustainable development. The property is already in use as residential and is located in a long established residential area. There are also no bedrooms proposed on the ground floor of the property.

A Flood Consequences Assessment has been submitted and Natural Resources Wales have advised that they do not object to the development on the grounds of flood risk.

Due to the location of the application site within a C1 Flood Zone Recommendation 3 has also been attached to ensure future occupants are made aware of the issue.

8.10 Objections – In respect of the objections the following should be noted:

- Anti-social behaviour – This would be a matter for the Police or the Noise Pollution Section of Shared Regulatory Services to deal with;
- Increase in parking demands – This is covered in 8.7 of this report;
- Quality and standard of existing rental properties on Kent Street – Whilst this is noted each application has to be judged on its own merits and the quality of other properties within the street is not a material planning consideration for the determining of this application. The proposal meets with space and amenity standards required by the Licensing Section of Shared Regulatory Services;
- Loss of family accommodation - This is covered in paragraphs 8.2 - 8.4 of this report;
- Lack of consultation prior to submission – There is no requirement for the applicant to consult with neighbours prior to submitting this application.
- Noise from the refurbishment of the property - This would be a matter for the Noise Pollution Section of Shared Regulatory Services to deal with;
- The negative impact on the adjoining neighbours - This is covered in paragraphs 8.2 - 8.4 of this report;
- The use of the property will damage the social cohesion of the community - This is covered in paragraphs 8.2 - 8.4 of this report;
- Water pressure too low to cater for 3 bathrooms affecting residents wellbeing – This is not a planning matter;
- Fire proofing of the attic space – This would be covered under Building Regulations;
- Future maintenance of the property – This is not a planning matter;
- The property is too small to be converted into 6 dwellings – The property is not being converted into 6 residential dwellings but a shared HMO and meets the minimum standards imposed by the Licensing Section of Shared Regulatory Services who license HMO's;

9. OTHER CONSIDERATIONS

- 9.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 Equality Act 2010 – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 9.3 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle 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). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

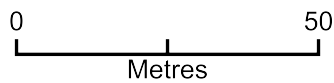
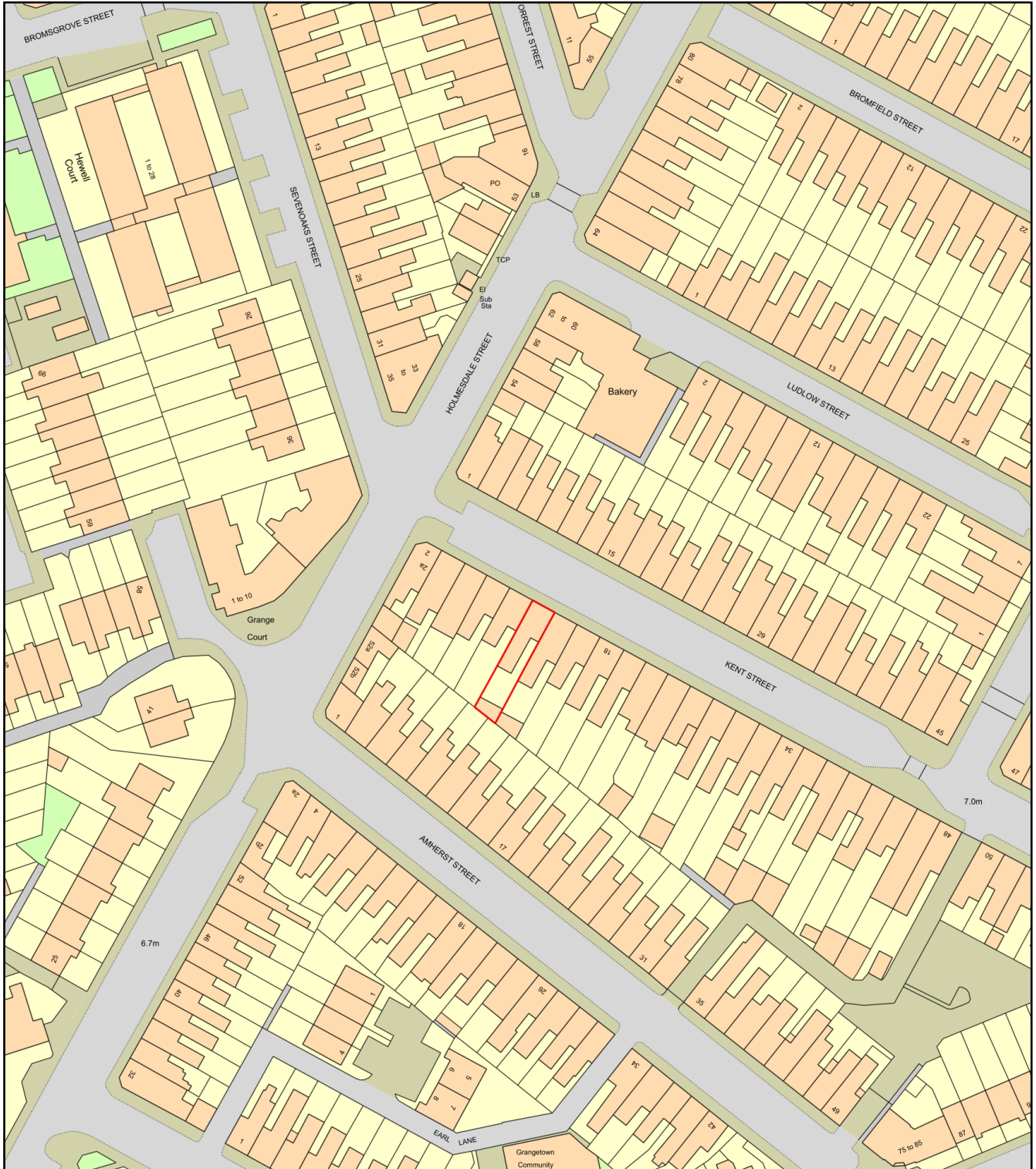
10. RECOMMENDATION

- 10.1 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 should be noted that the Courts have identified the importance of consistent decision-making and that previous appeal decisions are therefore a material planning consideration. In light of this and the fact that there are no registered HMO’s within the vicinity of the application site the Council is satisfied that the proposal complies with Policy H5 of the Cardiff Local Development Plan 2026-2026 and advice contained within the HMO’s Supplementary Planning Guidance as mentioned previously in this report.

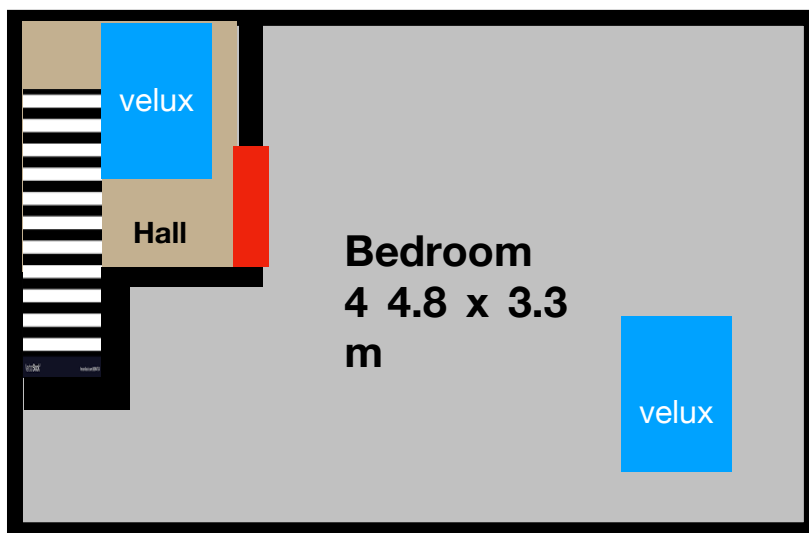
Having taken all of the relevant factors into consideration it is concluded that in this particular instance there are no grounds to justify a refusal of this application and it is therefore recommended that planning permission be granted, subject to conditions.

12 Kent Street Location Plan

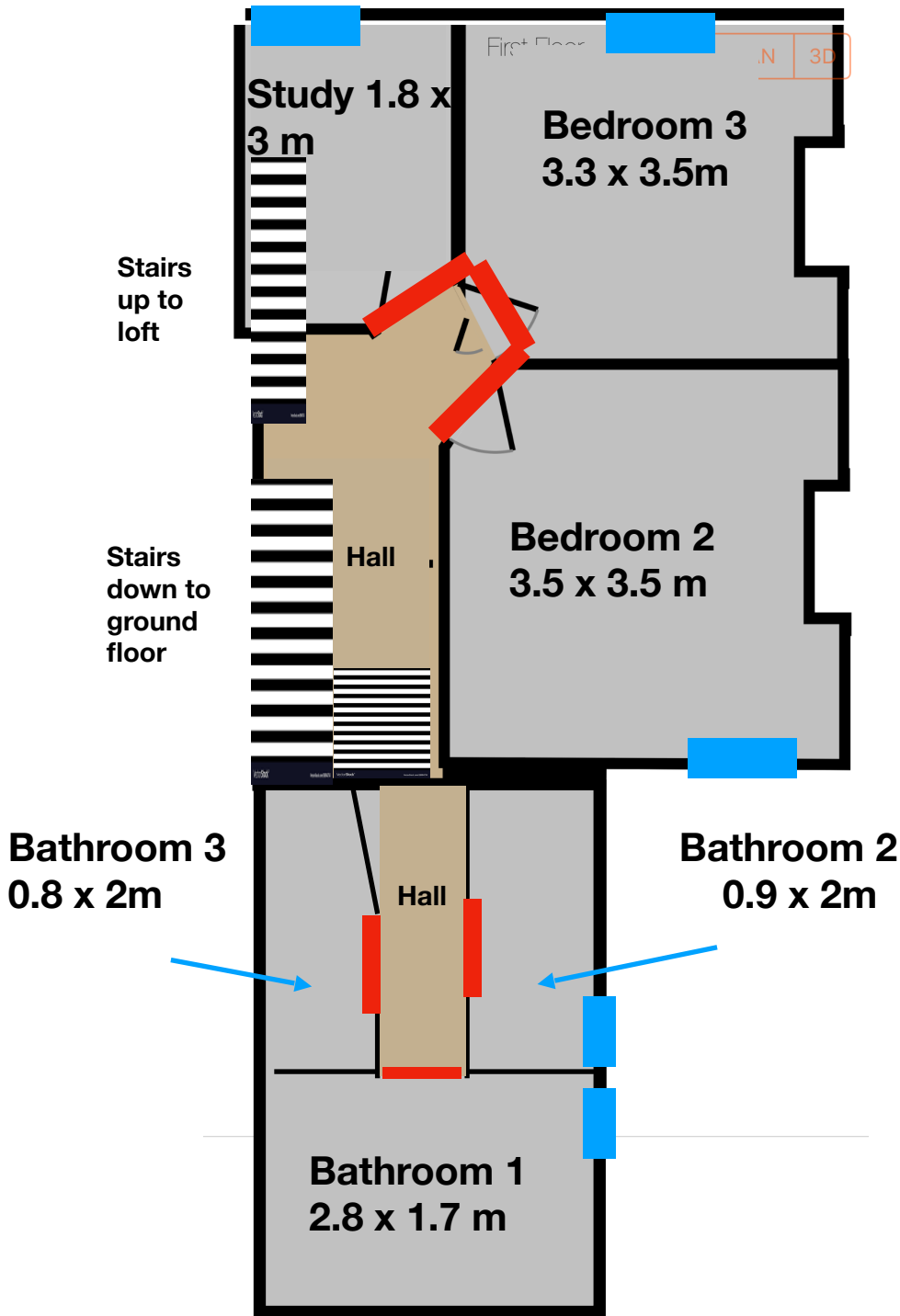


Plan Produced for: John Penketh
Date Produced: 18 Jun 2021
Plan Reference Number: TQRQM21169154727351
Scale: 1:1250 @ A4

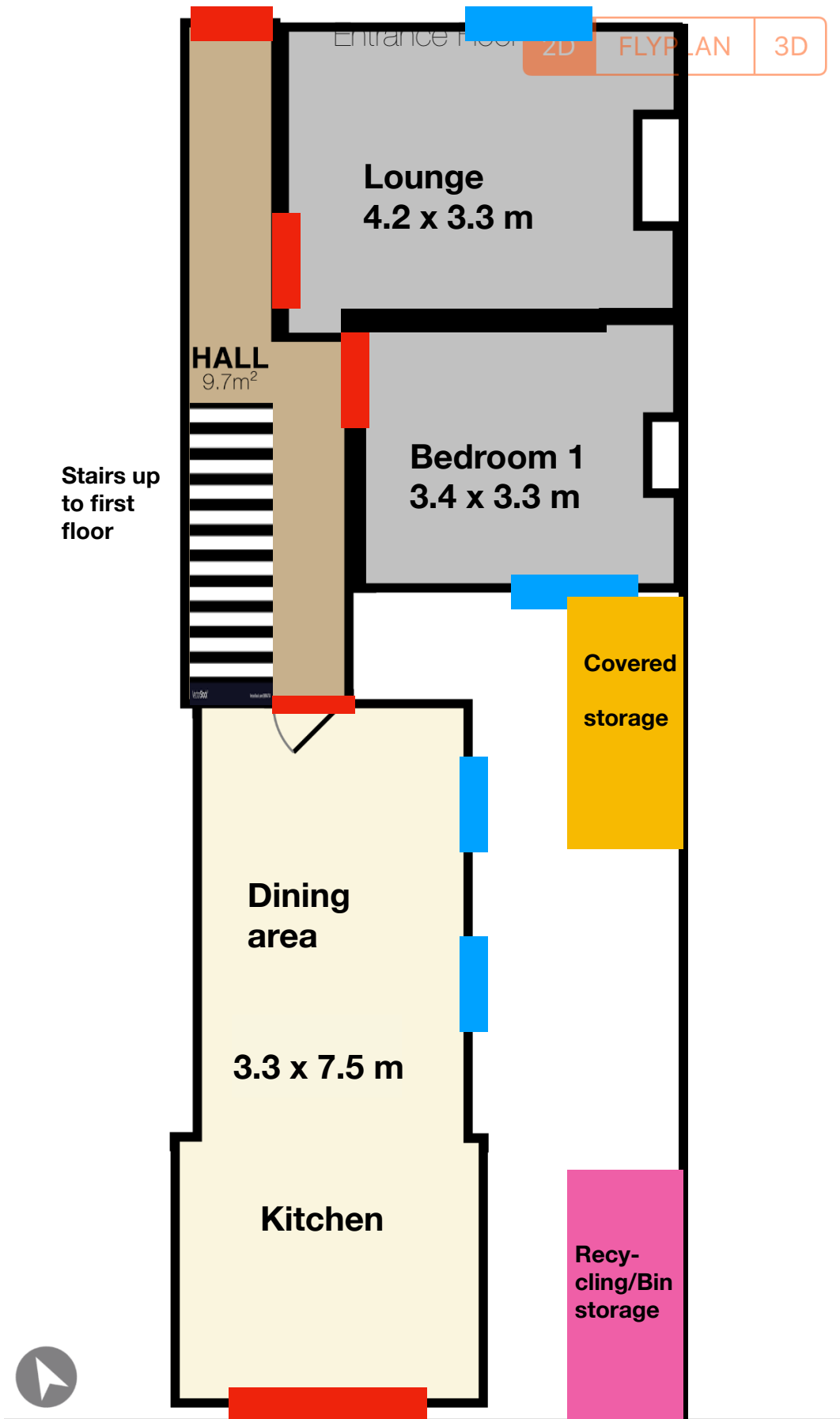
Loft space (Plan 02.1)



First Floor (Plan 02.2)



Ground floor (Plan 02.3)



Garden

Garden dimensions (Plan 02.4)

