

## LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 10/08/2022

APPLICATION No. **22/00711/MNR** APPLICATION DATE: 12/04/2022

ED: **SPLOTT**

APP: TYPE: Full Planning Permission

APPLICANT: MR PRITCHARD

LOCATION: 100 SPLOTT ROAD, SPLOTT, CARDIFF, CF24 2DB

PROPOSAL: GROUND FLOOR EXTENSION, REAR DORMER AND ALTERATIONS TO CREATE A 7 BEDROOM 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 in accordance with the following approved plans:
  - CXB2/3/c
  - CXB2/4/a
  - CXB2/6/c

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 7 bedroom HMO 7 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 a 7 bedroom HMO a 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.

5. The materials to be used in the construction of the external surfaces of the ground floor rear extension and dormer roof extension hereby permitted shall match those used on the existing building.  
Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
6. No more than 7 occupants shall reside at this property at any one time.  
Reason: For the avoidance of doubt as the permission hereby granted relates to the use of the property as a Sui Generis HMO.

**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.

**RECOMMENDATION 3:** 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.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to change the use of a C3 residential dwelling into a 7 bedroom sui generis HMO together with the erection of a ground floor rear extension and a rear dormer roof extension. 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 two en-suite bedrooms and a lounge/kitchen on the ground floor; three en-suite bedrooms on the first floor; and two bedrooms and a shower room on the second floor within the converted roofspace.
- 1.3 Externally a rear amenity area of approximately 44 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 Splott Ward of Cardiff. The lawful use of the property is as a C3 residential dwelling.

## 3. **RELAVANT 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 EN 14 (Flood Risk)  
Policy H5 : Sub-Division or Conversion of Residential Properties  
Policy T1 : Walking and Cycling  
Policy T5 : Managing Transport Impacts  
Policy W2 : Provision for Waste Management Facilities in Development

##### Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (2016)  
Houses in Multiple Occupation (2016)  
Cardiff Residential Extensions and Alterations (2017)  
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:

- 1 x 240 litre bin for general waste
- 2 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)
- 1 x 240 litre compost bin if required

The kitchen should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.

Residents will be required to present all waste themselves to the kerbside for collection.

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.

7. **REPRESENTATIONS**

7.1 Neighbours have been consulted and objections have been received from 72, 83, 84, 90, 96, 102, 109 Splott Road and 231 Railway Street. A summary of the objections is as follows:

Insufficient parking facilities

Disruption whilst building work takes place

Waste management issues

Health and Safety concerns due to potential fire, rubbish and or vermin

Increased noise from occupiers and visitors;

Loss of privacy from the dormer roof extension;

Increased potential for anti social behaviour

Change in the character of the area from family homes in a street close to schools and parks

Sub standard accommodation

There is a bus stop outside the property where school children catch the bus

7.2 An objection has also been received from Local Ward Councillor Henshaw who has advised the following:

*I have been asked by Splott residents to support their objection to two separate planning applications to convert a house into an 8 bedroom HMO - 88 Splott Rd. Ref No - 22/00796/MNR and 100 Splott rd. Ref No- 22/00711/MNR*

*Residents are concerned that following the recent conversion of a nearby house on Splott Rd, into an 8 bedroom HMO, these two extra conversions could potentially see 24 extra cars looking for parking in a limited area.*

*They are concerned that both these applications will change the character of the street, currently an area of family homes, close to a school a play area and a park.*

*The loss of garden space at both of these properties would be a loss of an important amenity for future tenants and the loss of a small but much needed home for Biodiversity.*

*The presentation of waste, potentially an additional 16 green bags, 16 food caddies and on alternate weeks 16 black bags is a challenge on an average sized footpath, to pedestrians, who won't have the option of stepping onto the*

*road to avoid them, as Splott road is a busy road.*

*There is concern that the lack of access for future tenants, to a garden, waste storage and bicycle storage will make both these conversions, inadequate living spaces, unable to meet the needs of future tenants.*

*Residents are concerned that the building of a dormer window in both properties will lead to a lack of privacy for both residents and future tenants.*

- 7.3 A petition of 52 signatories has also been submitted objecting to the proposal. A summary of the petition is as follows:

Potential negative impact on adjacent properties and the local community of their street from disruption of the build;  
Burden on local resources;  
Parking;  
Privacy;  
Potential antisocial behaviour and noise;  
Changes to the character of the area.

## 8. **ANALYSIS**

- 8.1 This application seeks planning permission to convert the property presently used as a C3 residential dwelling into a 7 bedroom sui generis HMO together with the erection of a ground floor rear extension and a rear dormer roof extension. Since the application was originally submitted amended plans have been submitted which has reduced the number of occupants from 8 to 7, reduced the size of the ground floor rear extension and replaced the existing large detached outbuilding with a 7 space cycle store. As the proposal seeks tenanted living accommodation occupied by up to seven 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 together with the impact of the extension and the dormer roof extension upon the surrounding neighbouring properties.

- 8.2 **Policy Considerations** - In respect of the conversion of the property to 7 bedroom 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%.

When calculating the number of HMOs within the 50m radius, it is important to refer to and respect the location of existing HMOs. This will be determined by using data at the Councils disposal such as planning applications, licensed HMO data, Council Tax data or electoral roll information. This will help identify the areas where the concentration is such that the Council will seek to prevent additional HMOs.

Having regard to the “cumulative impact” of such conversions in respect of this application, analysis has been made on the extent of HMO’s (including those defined as such under Sections 254 259 of the Housing Act 2004) against the threshold limits identified above. As the application site is located within the Splott Ward of Cardiff a 10% threshold limit will be relevant. There are 31 properties within a 50m radius of the application site. Of these 1 is registered as a HMO which equates to 3%. The threshold for Splott is 10% therefore the proposal is below the threshold contained within the SPG on HMO’s.

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 6 & 8 residents is as follows :-

*1 x 240L 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 HMO will require a minimum of 1 cycle parking space per bedroom. As the proposal is for a 7 bedroom HMO then 7 cycle parking spaces will be required.

In respect of cycle parking the applicant has submitted details showing the provision of 7 undercover and secure cycle parking spaces within the rear garden. These are considered acceptable and accord with advice contained within the SPG and condition 3 has been imposed accordingly.

In respect of car parking the Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that a 7 bedroom 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 aims and objectives of both the LDP and SPG in seeking to reduce dependence on the private motor vehicle.

- 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 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 7 person HMO then 27.5 square metres will be required. Having undertaken an assessment of the proposal a private rear amenity space of approximately 44 square metres will be available for all occupiers to use in addition to provision for bin and cycle storage facilities. As



the minimum amenity space requirement, as specified in the HMO SPG, will be 27.5 square metres the proposal is therefore considered acceptable.

## **9. EXTERNAL ALTERATIONS**

9.1 **Ground Floor Rear Extension** - In respect of the ground floor rear extension this is considered acceptable in regard to its scale and design and will provide a subservient addition to the dwelling which would not prejudice the general character of the area or the existing dwellinghouse. The scale of the proposal and its relationship with neighbouring properties is considered acceptable. It will be finished in materials to match the existing dwelling and it is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern. The extension has also been reduced in size since the application was originally submitted.

9.2 **Dormer Roof Extension and Rooflights** - In respect of the dormer roof extension this will be set up the roof slope and is to be finished in materials to match the existing roof covering in accordance with advice contained within the Residential Extensions and Alterations SPG and raises no concerns. The rooflights to the front elevation are considered acceptable. It should also be noted that a dormer roof extension of this size and rooflights could also be undertaken utilising existing Permitted Development rights.

## **10. OBJECTIONS**

10.1 In response to the objections received the following should be noted:

- Insufficient parking facilities – This is covered in paragraph 8.7 of this report;
- Disruption whilst building work takes place – This is not a planning matter;
- Waste management issues – This is covered in paragraph 6 of this report;
- Health and Safety concerns due to potential fire, rubbish and or vermin – This is not a planning matter;
- Increased noise from occupiers and visitors – If residents/visitors are creating a noise nuisance then this would be a matter for the Pollution Control Section of Shared Regulatory Services to deal with;
- Loss of privacy from the dormer roof extension – The dormer roof extension complies with advice contained within the Residential Extensions and Alterations SPG. It could also be built at present utilising existing householder Permitted Development rights and did not therefore have to be included on this planning application;
- Increased potential for anti social behaviour – This would be a matter for the police;
- Change in the character of the area from family homes in a street close to schools and parks – This is covered in paragraphs 8.1 -8.4 of this report;
- Sub standard accommodation – This is covered in paragraph 8.5 of this report;
- There is a bus stop outside the property where school children catch the bus – This is not a planning matter;

## **11. OTHER CONSIDERATIONS**

- 11.1 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.
- 11.2 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.
- 11.3 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.

## **12. RECOMMENDATION**

- 12.1 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 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 Supplementary Planning Guidance as mentioned previously in this report.

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



# PHOTOS—EXISTING



SITE LOCATION PLAN 1:1250

THE SITE



**DTB DESIGN**  
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 CARDIFF CF11 9HA  
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 dtbdesignservices@gmail.com



REVISIONS

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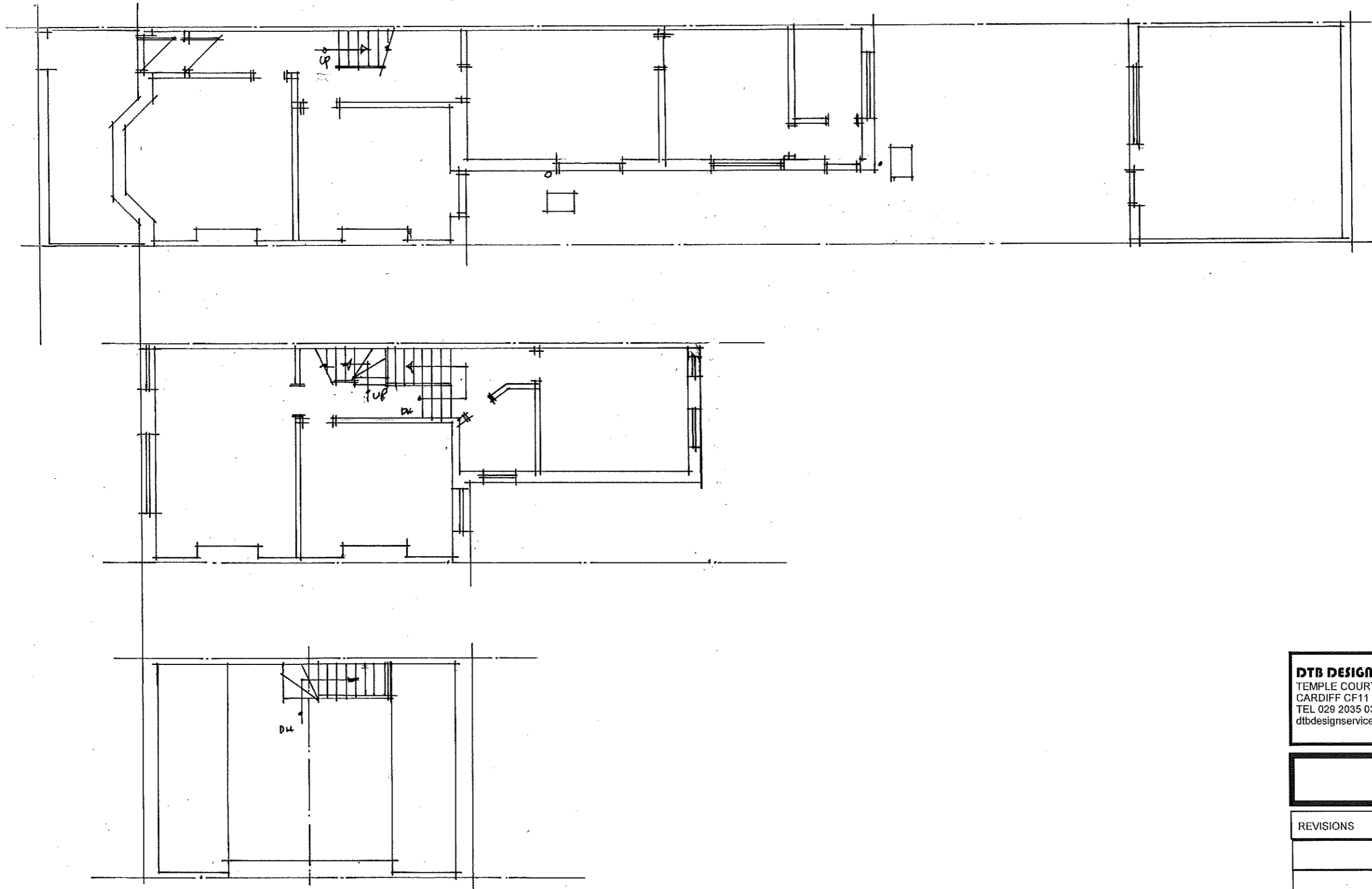
DESCRIPTION

DEVELOPMENT AT  
 100 SPLOTT ROAD  
 CARDIFF

March 2022

CXB2/1





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NO.	DESCRIPTION

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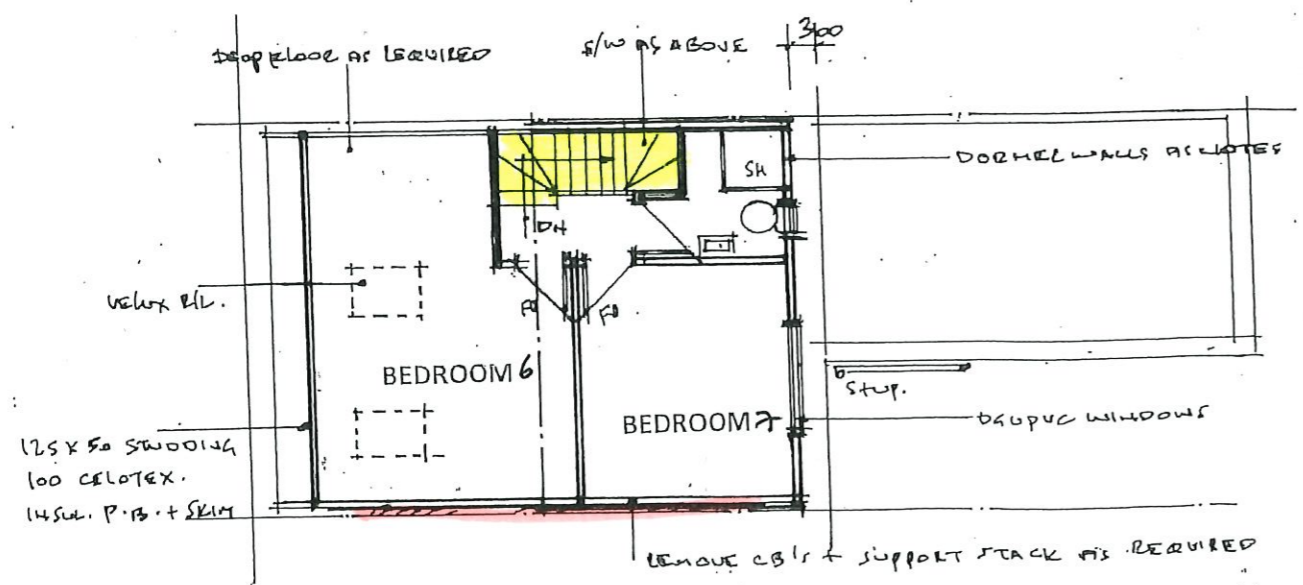
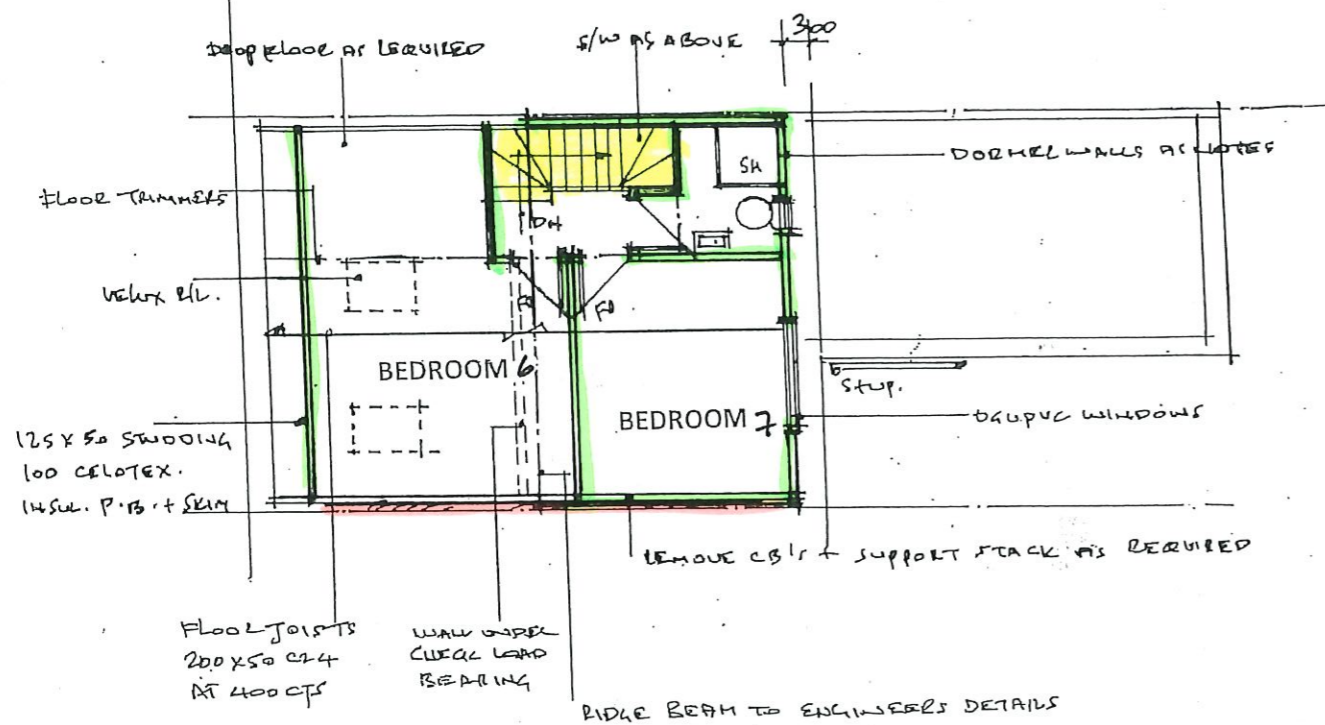
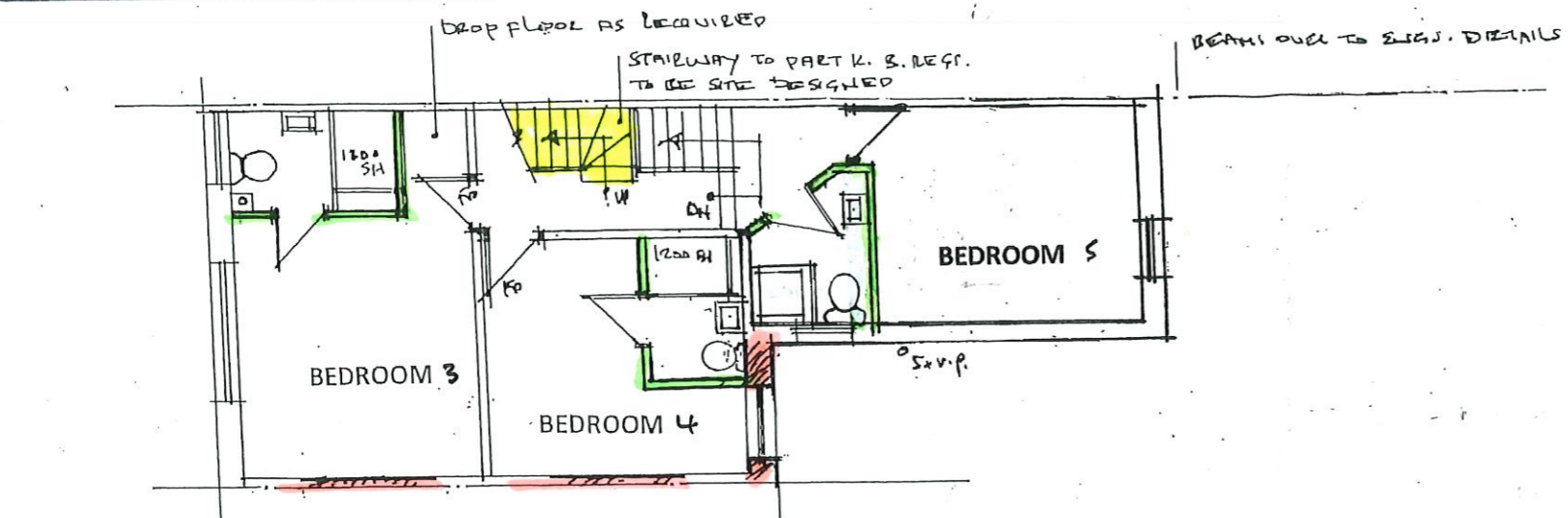
DESCRIPTION

DEVELOPMENT AT  
 100 SPLOTT ROAD  
 CARDIFF

March 2022 PLAN NO. CXB2/2

GROUND, FIRST & SECOND FLOORS EXISTING 1:100 at A3

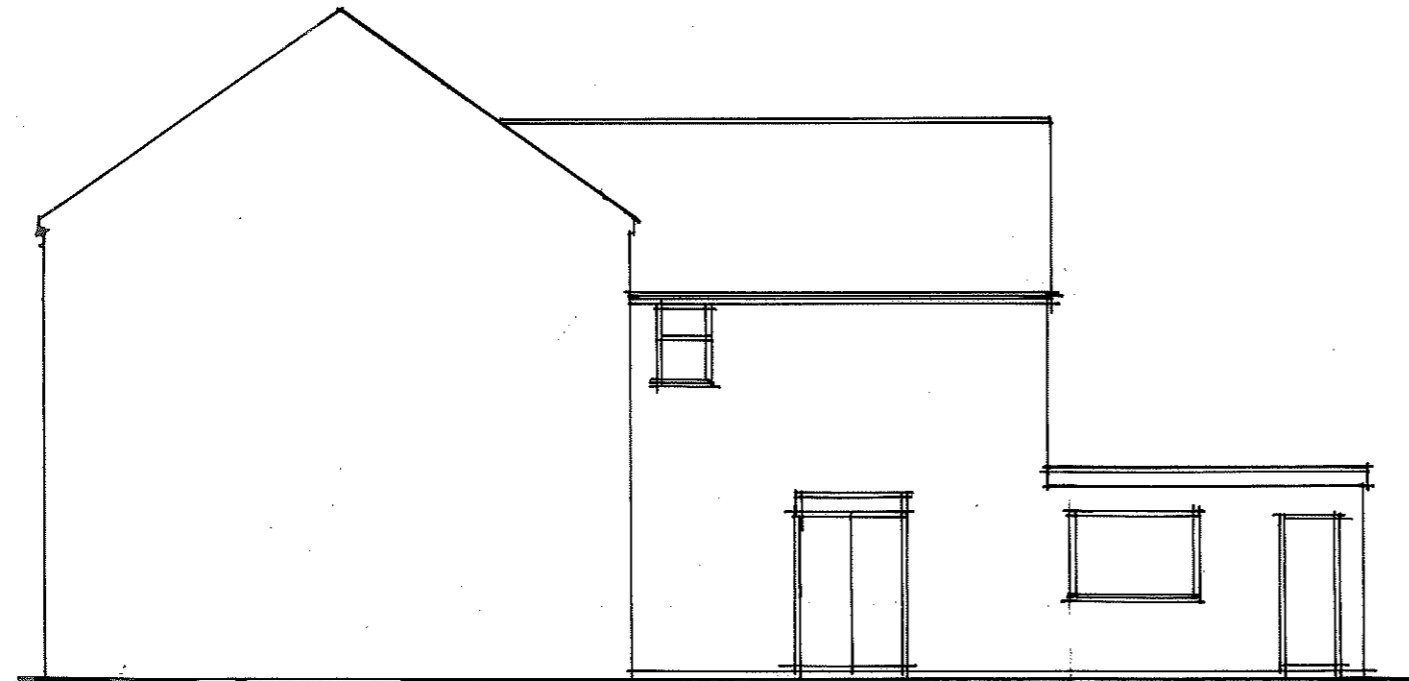
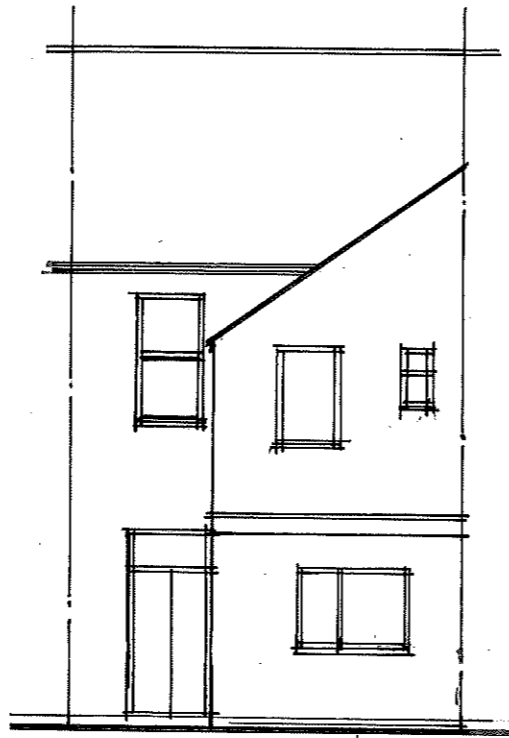
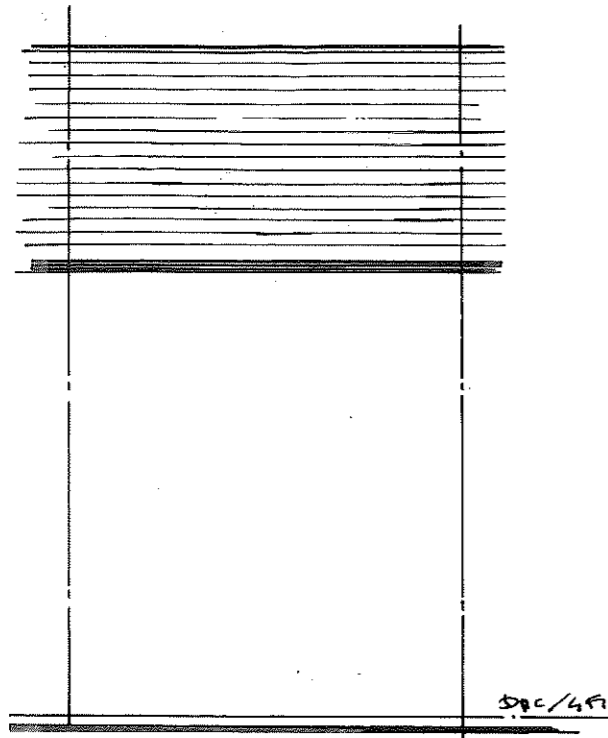





FIRST FLOOR & SECOND FLOOR LAYOUT PLUS SECOND FLOOR STRUCTURAL LAYOUT 1:100 at A3

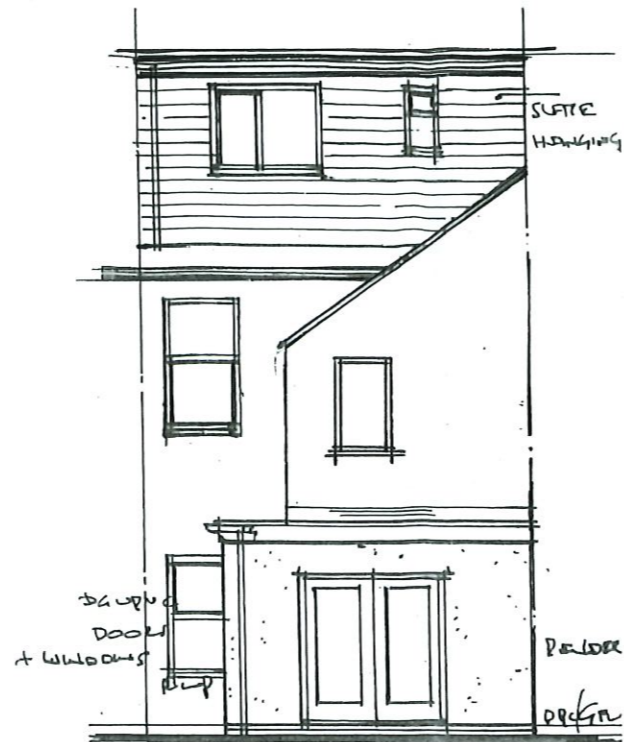
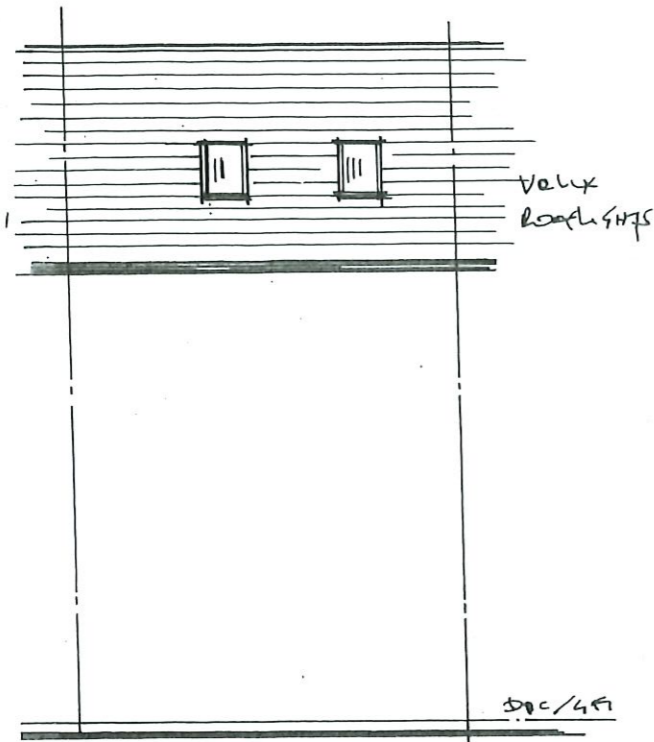
<b>DTB DESIGN</b> TEMPLE COURT 13a CATHEDRAL ROAD CARDIFF CF11 9HA TEL 029 2035 0365 dtbdesignservices@gmail.com		
REVISIONS CL. LEVELS @ 11/12/22 TO BE CHECKED @ 21/2		
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DESCRIPTION DEVELOPMENT AT 100 SLOTT ROAD CARDIFF		
March 2022	PLAN NO. CXB214/a	





FRONT, REAR & SIDE ELEVATIONS EXISTING 1:100 at A3

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<p>DESCRIPTION</p>
<p>DEVELOPMENT AT          100 SPLOTT ROAD          CARDIFF</p>
<p>March 2022 <span style="float: right;">PLAN NO. CXB2/5</span></p>



FRONT, REAR & SIDE ELEVATIONS PROPOSED 1:100 at A3

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DEVELOPMENT AT  
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