

## LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 06/10/2021

APPLICATION No. **21/01234/MNR** APPLICATION DATE: 20/05/2021

ED: **GABALFA**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ruth  
LOCATION: 64 HEATHFIELD ROAD, GABALFA, CARDIFF, CF14 3JY

PROPOSAL: CHANGE OF USE FROM A SINGLE DWELLING HOUSE (C3) TO A 5 BEDROOM C4 HOUSE IN MULTIPLE OCCUPATION

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

1. The use of the property as a 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, KP13 and H5 of the Cardiff Local Development Plan (2006-2016) and advice contained within 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, KP13 and H5 of the Cardiff Local Development Plan (2006-2026) and advice contained within the Houses in Multiple Occupation Supplementary Planning Guidance (2016).
2. The use of the property as a 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).
3. The use of the property as a C4 HMO will result in an increase in the number of HMO's within the vicinity to the detriment of the existing community affecting its composition, cohesion, character, functionality and its sense of place contrary to Policy H5 of the Cardiff Local Development Plan (2006-2026), the Houses in Multiple Occupation

Supplementary Planning Guidance (2016) and advice contained within Planning Policy Wales 11<sup>th</sup> Edition 2021.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to convert the property from a C3 Dwelling house to a C4 House of Multiple Occupation. The submitted drawings/details provide information regarding the principal matters for consideration as set out in the relevant Supplementary Planning Guidance.
- 1.2 No additions or extensions to the property are proposed and the only external alteration are the provision of new patio door to the rear ground floor and the insertion of a rooflight within the ground floor rear sloping roof. These alterations are considered to be permitted development.
- 1.3 Internally the property accommodates two bedroom a kitchen/living area and a WC on the ground floor; three bedrooms and two bathrooms on the first floor.
- 1.4 Externally a private amenity space of approximately 45 square metres will be provided.
- 1.5 The rear garage/outbuilding is to be utilized for the storage of cycles and refuse bins. The submitted plans also show the provision of a bin store within the front courtyard.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a terraced property located within a street of terraced properties within the Gabalfa Ward of Cardiff. The lawful use of the property is a C3 residential dwelling.
- 2.2 The site is not within a Conservation Area or area of Flood Risk.

3. **PLANNING HISTORY**

- 3.1 87/1331 – Conversion to 2no. Flats. Approved.

4. **POLICIES OF PARTICULAR RELEVANCE**

- 4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2006-2026.
- 4.2 Relevant National Planning Guidance:

Future Wales: The National Plan 2040 (2021)  
Planning Policy Wales (11<sup>th</sup> Ed, 2021)  
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 KP3(B): Settlement Boundaries  
Policy KP5: Good Quality and Sustainable Design  
Policy KP8: Sustainable Transport  
Policy KP13: Responding to Evidenced Social Needs  
Policy KP15: Climate Change  
Policy KP16: Green Infrastructure  
Policy EN10: Water Sensitive Design  
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

#### 4.4 Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (2016)  
Houses in Multiple Occupation (2016)  
Residential Extensions & Alterations (2017)  
Managing Transportation Impacts (Incorporating Parking Standards) (2018)  
Green Infrastructure (2017)

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

#### 5.1 The Operational Manager (Transportation), The proposed development is a change of use from a dwelling to a House in Multiple Occupation.

On-street car parking is regulated by a residents parking permit scheme. The change of use proposed will result in first and future occupiers of the home not being eligible for a residents parking permit. There is a garage at the rear of the home accessed via a backway. It is intended to use the garage for recycling and refuse storage and a cycle store. The provision of no car parking is policy compliant with Cardiff Supplementary Planning Guidance Managing Transportation Impacts of Development (Incorporating Parking Standards) dated July 2018.

A cycle store will be provided in the garage and meets the criteria in regard to covered and secure cycling parking and layout of the cycle stands is acceptable.

#### 5.2 The Operational Manager, Waste Management, has advised;

The proposed plans may increase waste production. Waste has recently introduced a larger bin for HMO's with up to 5 permanent residents.

The property would be entitled to the following receptacles:-

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

The existing area in the frontage for the storage of general waste and recycling has been noted and the proposed area for the garden waste is also acceptable.

A larger bin if needed can be obtained by contacting C2C on 029 20872087.

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

## 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 notified, emails have been received from the occupiers of nos. 38, 42, 60, 62, 65, 67 Heathfield Road, objecting for the below summarised reasons;
- i) Number of adjacent properties are HMOs but not currently registered but registered with Rent Smart Wales and would take total of HMO's within 50m over 10%.
  - ii) Parking problems in area which would be exacerbated by additional occupiers' vehicles
  - iii) Existing property not previously used as two flats as stated by applicant
  - iv) Noise and disturbance from future occupiers
  - v) Anti-social behaviour
  - vi) House prices could be affected.
- 7.2 A petition of 50 signatures has been received objecting to the proposal
- 7.3 Ward Councillors Ashley Wood and Rhys Taylor, object for the following reasons;
- i) There are a number of shared properties in the immediate vicinity of the, which is not reflected within the application. Whilst some of these properties may not be officially registered, they are currently in use as HMOs. This means that it is likely that granting this application would exceed the 10% threshold as set out in the council's own Supplementary Planning Guidance.
  - ii) Neighbouring Heathfield Place also has a significant number of HMOs, contributing to the overall character and amenities of the local area.
  - iii) The conversion of this property to an HMO is not consistent with Policy H5 of the LDP, which states that any conversion to HMO or Flats "*Does not have an adverse effect on local parking provision.*" This proposal is on a street where parking is already saturated. The intensification of dwellings as a result of the conversion of a single dwelling to a 5 bed HMO will inevitably impact upon existing parking pressures through increased visitors and car ownership, negatively affecting existing residents.

- iv) The Gabalfa ward area has seen many conversions from family houses to HMO or division into flats in recent years, including on Heathfield Road and neighbouring Heathfield Place. This is negatively affecting the character of the area, reducing the availability and affordability of properties. We don't believe this is consistent with Policy H5 of the LDP, that that any conversion to HMO or Flats will only be permitted where "*The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.*"
- v) Section 5.2 of the Flat Conversions SPG states the council favours conversion of such family homes to two-bedroom flats, this proposal is not consistent with the approach.
- vi) It should be noted that there are general concerns that the increasing number of dwellings in the area is seen to negatively impact on local amenities, demands on services and contributes to increased parking demand and related issues. There is significant pressure on local parking and other amenities in the area. A 5 bedroom HMO will unduly add to these pressures.

## 8. ANALYSIS

8.1 This application seeks planning permission to convert the property into a five 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 together.

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 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 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, 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

Gabalfa Ward of Cardiff a 10% threshold limit will be relevant.

There are 32 properties (including flats which are also classed as residential accommodation) within a 50m radius of the application site. During the processing of this application 7 properties have been identified as HMOs, which equates to approximately 22%. This is above the 10% threshold and as such, it is considered that the proposal fails to comply with advice contained within the SPG on HMO's, when considering cumulative impact.

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 7.4 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 accessible.

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)*  
*2 x 25L bins for food waste*  
*Green bags for recycling.*

Details of waste provision have been submitted as part of this application and are considered acceptable (see condition 4).

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 5 bedroom HMO then 5 cycle parking spaces will be required.

In respect of cycle parking the applicant has submitted details showing the provision of 5 undercover and secure cycle parking spaces, which are to be provided horizontally within the rear garage. The cycle spaces provided are therefore considered to be acceptable.

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 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 C4 HMO then 25 square metres will be required. Having undertaken an assessment of the property a private rear amenity space of approximately 45.5 square metres will be available for occupiers to use. As the minimum amenity space requirement as specified in the HMO SPG is 25 square metres the proposal is therefore considered acceptable in respect of amenity space provision, when considered against the requirements of the HMO SPG.

- 8.9 In regard to the objections from neighbours received, would comment as follows:
- i) In regard to cumulative impacts of the proposal, this is covered within paragraphs 8.2-8.4 above.
  - ii) The Operational Manager, Transportation raises no objections to the proposal and advises the amended cycle storage details are considered acceptable.

- iii) In regard to the use of the existing property as two flats, the submitted plans show the use of the property as a single dwelling house and the application forms also confirm that property is a single dwelling house. It is noted that planning permission was granted in 1987 for the conversion of the property to 2 flats, but it appears that this was either not implemented or has been converted back into a single dwelling house.
- iv+v) In regard to Noise and Disturbance and anti-social behaviour from occupiers, this is dealt with under separate legislation.
- vi) Impact on House Values is not a material planning consideration.

8.10 In regard to the objections received from the Ward Councillors, would comment as follows:

- i+ii+iv) In regard to the cumulative impacts, this is covered within paragraphs 8.2-8.4 above.
- iii+vi) In regard to parking concerns, the OM, Transportation raises no objections to the proposal. There is considered to be sufficient space within the property to store bicycles with adequate manoeuvring space.
- v) The Flat Conversions SPG would not be relevant in regard to this proposal.

## 9. **RECOMMENDATION**

Officers are mindful 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.

The proposal is considered contrary to 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. This is also supported by the high percentage of HMO's within the vicinity together with the objections from the Local Ward Members and local residents, including the submission of a 50 name petition objecting to the proposal.

The Courts have identified the importance of consistent decision-making and this is duly noted. Each application is to be considered on its own individual merits and this is the approach taken in determining this application.

Having taken all of the relevant factors into consideration it is concluded that in this particular instance there are sufficient grounds to refuse this application and it is therefore recommended that planning permission be refused.

## 10. **OTHER CONSIDERATIONS**

### **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a 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 given due consideration in the determination 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.

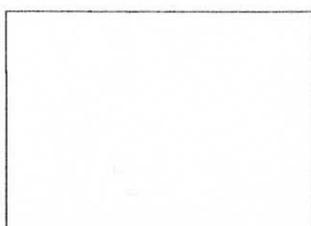
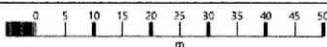
### **Equality Act 2010**

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. Having due regard to advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. This duty 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.

### **Wellbeing of Future Generations (Wales) Act 2015**

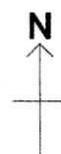
Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (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.



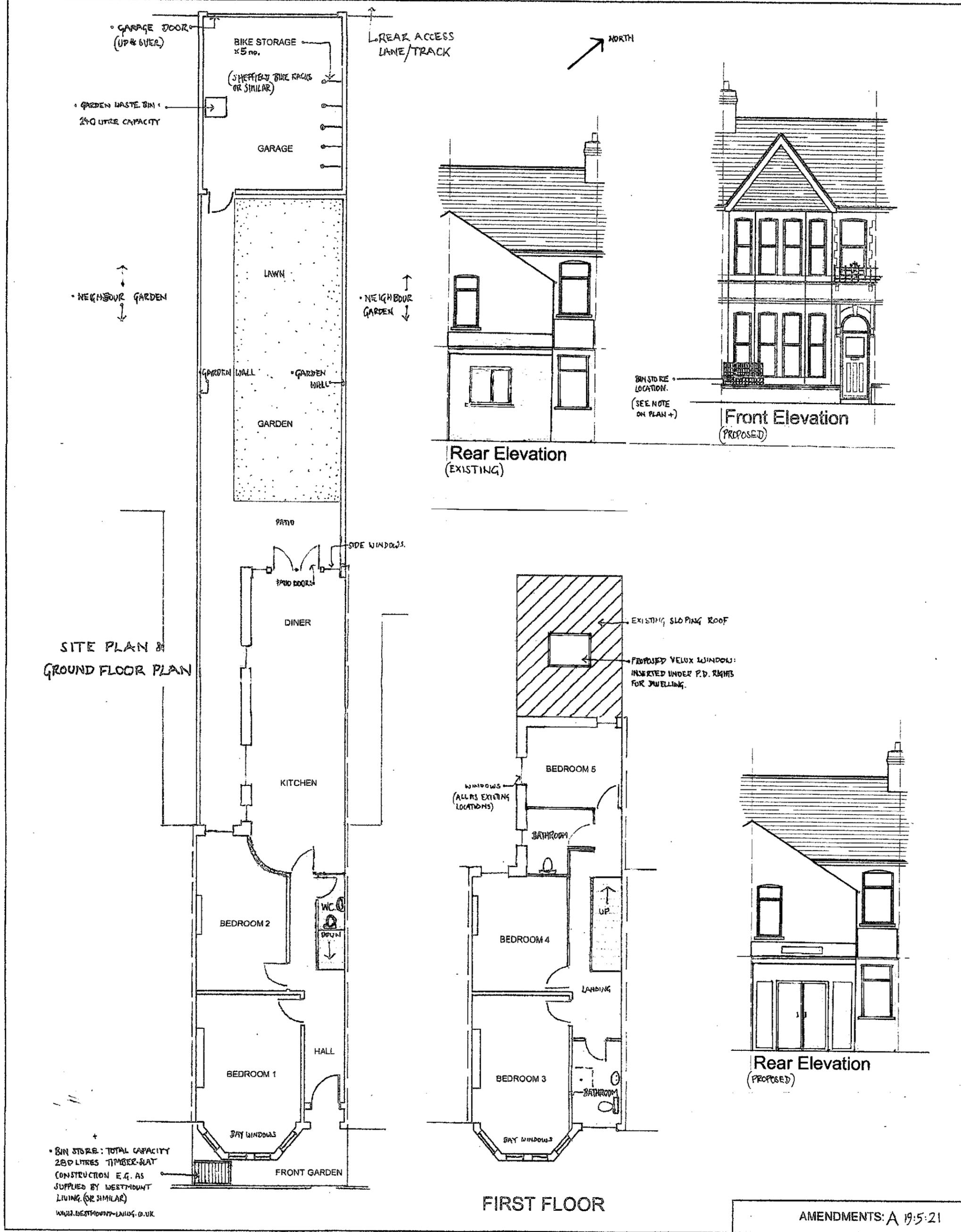
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SITE: <b>64 HEATHFIELD ROAD</b>		DRAWING NO: <b>00101/03</b>		PROJECT NO: <b>00101</b>		MAY.12.2021.	
TITLE: <b>PROPOSED LAYOUT</b>		SCALE @ A3: <b>1:100</b>		DRAWN: <b>KS/TH.</b>		CHECKED: <b>KS/DR.</b>	

AMENDMENTS: A 19:5:21