

Report of the Head of Planning and City Regeneration

Planning Committee – 10th January 2017

PLANNING APPLICATION REF: 2016/1604

Change of use from residential (Class C3) to HMO for 4 people (Class C4)

3 Lewis Street, St Thomas Swansea SA1 8BP

1.0 Background

- 1.1 This application was reported to Planning Committee on the 6th December 2016 with the recommendation that planning permission be approved subject to conditions. Members did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that they could seek further advice and guidance with respect formulating a reason(s) for refusing the development. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.
- 1.2 In reaching a decision Members will need to consider advice on the award of costs in planning appeals in Welsh Officer Circular 23/93 : 'Award of Costs incurred in Planning and other (including Compulsory Purchase Order) Proceeding'. The circular states that Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. However, they will be expected to show they had reasonable planning grounds for taking a decision contrary to such advice, and be able to produce relevant evidence to support the decision. If they fail to do so, costs may be awarded against the Authority.
- 1.3 A copy of the report to Planning Committee on 6th December 2016 is attached as Appendix A.

2.0 Main Issues

- 2.1 Members did not formulate clear grounds for refusing the application at the committee meeting, however, comments are made below on the various key material planning considerations that need to be taken into account in this instance having specific regard to the criteria of Policy HC5 of the City and County of Swansea Unitary Development Plan. There are no external physical alterations proposed so in this instance the main material planning considerations are noise, nuisance and disturbance, the concentration and intensity of HMO's in the area, car parking and refuse arrangements. More detailed comment is provided in each of the sub-headings below.

Noise, Nuisance and Disturbance

- 2.2 As documented in the officer report the proposal would result in the increase of one bedroom to provide a four bedroom property. A large family could occupy the property under the lawful use, and the number of bedrooms could be increased to four without requiring planning permission.

There is no evidence before the Authority to suggest that the level of noise, nuisance and disturbance associated with the proposed use as a HMO, for use for up to four persons, would generate significant noise, nuisance or disturbance over and above that of a family home. As a result officers do not consider that refusal of the application on this basis could be warranted. The Police and the Councils Environmental Health Department have the power to tackle antisocial behaviour and other noise related issues. If Members disagree with this and take a view that the change of use would result in harm to amenity particularly by virtue of noise and disturbance evidence will need to be provided in order to demonstrate this harm. Policy HC5 criteria (i) is of relevance and members will need to demonstrate that there would be a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance to justify refusal on this basis.

2.3 Concentration and Intensity of HMO's

There are no existing known HMO's along Lewis Street and so it would not be possible to argue that the introduction of a new single four bedroom HMO would result in a harmful concentration or intensification of HMOs in the area under the provisions of Policy HC5 criteria (ii). There is no evidence to suggest that approval of this application would result in any material harm on this basis. Whilst the formulation of a Supplementary Planning Guidance document for HMOs may impose percentage restrictions on the number of HMOs in areas, it is not considered reasonable to impose a blanket ban upon them within specific areas. It should be recognised that HMOs provide a valuable and important contribution towards the provision of affordable housing.

Car Parking and Highway Safety

- 2.4 With regard car parking, it is clear that there is no off-street dedicated car parking available for use by the HMO given the terraced nature of the property with no rear parking provision. Similarly, however, there is no off-street car parking available for the existing dwellinghouse. Parking on the street is laid out and restricted as a Controlled Parking Zone. The Adopted SPG Parking Standards does not seek additional parking provision for small scale HMOs given that there would be a requirement for 3 parking spaces for the existing 3 bedroom property and 3 spaces for up to 6 sharing as part of a HMO. The Highway Authority has been consulted and raised no objection to the application and conditions have been suggested to control the number of persons residing as part of the HMO to 4 and for cycle parking provision.
- 2.5. Should members take a contrary view to officers and consider that the application is not acceptable on grounds of car parking and highway safety clear evidence would need to be provided to justify a reason for refusal and departing from adopted parking standards.

Refuse Arrangements

- 2.3 A sufficient level of space in which to provide refuse storage can be provided to the rear of the property and this can be adequately controlled via an appropriately worded condition. There is no evidence to suggest that the use of the property as a HMO for up to four people would generate specific refuse issues over and above the extant use of the property as a residential property. There are powers under Environmental Health legislation to control the management of such properties in this respect.

3.0 Conclusion

3.1 My original report to Planning Committee on 6th December 2016 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that the Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account my advice given above and in the officer report.

4.0 Recommendation

4.1 The application be approved in accordance with the recommendation set out in Appendix.

If however the Committee does not consider that the application should be approved, the reason(s) for refusal should take into account the advice given above.

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