

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Number: 4

Application Number: C16/1472/44/LL

Date Registered: 18/11/2016

Application Type: Full - Planning

Community: Porthmadog

Ward: Porthmadog East

Proposal: Full application for the change of use of an existing residential dwelling into a house in multiple occupation

Location: 1 Llys y Porth, Porthmadog, Gwynedd LL49 9NG

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full application for the change of use of an existing residential dwelling into a house in multiple occupation.
- 1.2 The property is a three-storey building located within the development boundaries of the town of Porthmadog in a prominent location near the High Street and the A487 highway which leads into and out of the town. The building is within an area which is designated a part of the Porthmadog conservation area and within the Aberglaslyn Landscape of Outstanding Historic Interest area. According to the information submitted, it currently operates as a five-bedroom residential dwelling.
- 1.3 For clarity, the following is an outline of the current and proposed internal layout of the building:
- Ground floor - lounge, kitchen, toilet
 - First Floor - two bedrooms, two bathrooms
 - Second Floor - three bedrooms, toilet
- 1.4 According to the plans submitted, the proposal does not change the existing internal layout of the building nor does it intend to undertake any external changes to the building. Therefore, it does not add to the number of existing rooms including the bedrooms.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B4 – DEVELOPMENT WITHIN OR THAT AFFECTS THE SETTING OF CONSERVATION AREAS - Ensure that proposals within conservation areas, or which affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

POLICY B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

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POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY C1 – LOCATING NEW DEVELOPMENT - Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY C4 – ADAPTING BUILDINGS FOR RE-USE – Proposals to adapt buildings for re-use rather than demolish them will be approved provided they conform to specific criteria relating to the suitability of the building, visual considerations, design and the effect on the vitality of neighbouring towns and villages.

POLICY CH14 - CONVERSION OF DWELLINGS INTO FLATS, BED-SITS OR MULTI-OCCUPANCY DWELLINGS – Approve change of use of dwellings/residential buildings into flats, bedsits or multioccupation dwellings provided they there is no negative impact on the social and environmental character of the area.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

POLICY PCYFF 1: Development criteria

POLICY PCYFF 2: Design and place shaping

POLICY AT 1: Conservation areas, world heritage sites and landscapes, parks and registered historic gardens

POLICY TAI 2: Subdivision of existing properties to self-contained flats & houses in multiple occupation

POLICY TRA 2: Parking standards

2.5 **National Policies:**

Planning Policy Wales, Edition 9, 2016

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3. Relevant Planning History:

3.1 Application C15/0391/44/RC - removal of Section 106 Agreement restricting the use to local need only - approved 01.06.15

Application C12/0525/44/RC – application to remove a 106 agreement for local need – the application was withdrawn prior to its formal determination – 21.06.12

Application C07D/0023/44/LL – convert and extend existing building into three residential units - approved 24.06.08

4. Consultations:

Community/Town Council: Object - the development was originally approved with a 106 condition as a house for local people; the situation has not changed in terms of the shortage of affordable housing; concern that it would cause social problems

Transportation Unit: No objection but confirms that the parking provision shown on the plans are public parking spaces on an adopted road and not a private provision for this property.

Natural Resources Wales: No observations

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several items of correspondence and one petition were received objecting on the following grounds:

- Existing parking problems/shortage of parking provision
- Use has already commenced
- Detrimental effect on residential amenities of neighbouring residents
- The proposed use is out of character and is not in-keeping with the established residential use
- Shortage of local housing
- Road safety
- Misleading information
- Application not advertised/owners of holiday homes unable to respond
- Current unacceptable appearance in a prominent and important location
- No demand for this type of use

As well as the objections above, objections were received which were not valid planning objections and these included:

- A strict covenant on the building
- Incidents of antisocial behaviour by current residents
- Risk of use by undesirable individuals/asylum seekers

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy CH14 of the Gwynedd Unitary Development Plan (GUDP) specifically involves the conversion of houses into flats, bed-sits or houses in multiple occupation; it approves proposals to change the use of houses to this end provided that the development does not create an over-provision of this type of accommodation in a specific street or area where the cumulative effect would have a negative impact on the social and environmental character of the street or area, or likely to do so.
- 5.2 In this case, and as is confirmed in the observations received from neighbours, it is not believed that another building in the immediate vicinity is used as a house in multiple occupation and, therefore, it is not believed that it would lead to an unacceptable cumulative impact within this specific area. It is therefore believed that the proposal is acceptable in principle and complies with the requirements of policy CH14.
- 5.3 It is not intended to undertake external or internal modifications to this building for the proposed use and it is not seen from the plans that there will be any increase in the number of bedrooms or the other resources as a result of the change. It therefore appears that there will be no real change to the building, except for the change of use from a residential dwelling to a house in multiple occupation. Due to recent changes in relevant legislation in Wales, a new class use (C4) has been included for Houses in Multiple Occupation (HMO) with up to six people living in them. This means that any proposal which would create a new HMO for between three and six individuals who are not related to each other but who share basic facilities such as a kitchen and bathroom needs formal planning permission. As noted at the time by Welsh Government *"HMOs make an important contribution to the private rental sector by meeting the needs of specific groups of people for housing and provide accommodation for individuals who cannot afford to buy properties or rent larger accommodation."*
- 5.4 Policy C4 of the GUDP approves plans to adapt buildings for re-use subject to compliance with criteria, which include ensuring that the building is of permanent construction and is structurally sound and that it can be converted without major reconstruction work; that the building is suitable for the proposed use; that the design respects the structure, form and character of the original building and its surroundings; ensuring that no additional buildings or external work will cause significant harm to the visual quality and character of the surrounding area and that the development will not lead to dispersing activities on a scale that would harm the vitality of towns and villages.
- 5.5 This proposal does not involve carrying out external changes and it is obviously structurally sound. It is not intended to carry out modifications to the internal layout either and, therefore, it appears that the property is suitable to be converted for the proposal. It is considered that the proposal complies with the requirements of policy C4 which relates to the re-use of buildings.
- 5.6 Based on the above, it is believed that the proposal is acceptable in principle, subject to full consideration of all other material planning matters, including the policies and observations received.

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5.7 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless material considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001 - 2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) replaces the Unitary Plan as the 'development plan' once it is formally adopted. It is likely that the JLDP will be adopted during July 2017.

5.8 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."

5.9 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.

5.10 Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

5.11 In this case, the JLDP policies as noted in 2.4 above are material and as these policies are consistent with the policies of the Unitary Development Plan and the relevant National Advice included in PPW and TAN 6, it is considered that the above assessment and the recommendation of this report is consistent with the emerging policy.

Visual amenities

5.12 As already confirmed above, the application does not involve any internal or external structural modifications to this building. The location of the building is in a prominent place near the high street and the Welsh Highland Railway station. Reference is made in the observations received that the building is currently in a poor state of repair but it is believed that this is mainly maintenance issues rather than structural ones and is not therefore a matter which is relevant to this application.

5.13 As the proposal involves changing the use of the building from a dwelling to a house in multiple occupation only, without any external modifications, it is not believed that there would be any unacceptable impact on the visual amenities of the area and, consequently, it is not believed that the proposal would be unacceptable from the perspective of the relevant requirements of policies B4, B12 and B23 of the GUDP.

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General and residential amenities

- 5.14 Policy B23 of the GUDP safeguards the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aiming to safeguard the recognised features and amenities of the local area.
- 5.15 As noted above, objections have been received to this application as a result of the public consultation. Concerns have been highlighted in terms of the detrimental impact of the proposed use (which it is alleged has already commenced) on neighbouring residential amenities compared with the current legal use of the site.
- 5.16 There is currently a five-bedroom dwelling here and the property could be used by five (or more) adults within the same family and, therefore, it is not considered that the proposed change will be significant in terms of changing the density of the site's use. It is acknowledged that it is not possible to control who would be living in the building, but it is not believed that this could be done now either. Similarly, it is acknowledged that there is no parking provision attached to the existing building and its proposed use but this is no different to the use of the property as a residential dwelling and it is believed that the site is in an accessible location to the town centre and existing connections.
- 5.17 Given the current legal use of the property and the impacts on amenities that could derive from that use, it is not considered that there will be a significant change to the amenities of the neighbourhood in approving the development in question. Consequently, the proposal is not considered unacceptable in terms of the relevant requirements of policy B23.

Transport and access matters

- 5.18 It is noted in several observations received that there were concerns about the current parking situation in the surrounding area and that this proposal would add to these problems. In a consultation with the Transportation Unit, it was confirmed that there was no objection to the proposal but the property does not have private parking spaces despite the claim in the information submitted that parking for four vehicles is provided.
- 5.19 These spaces are public parking spaces as well as an adopted road and therefore they cannot be claimed as private provision. Despite the suggestion in the application that parking spaces were provided and the confirmation of the Transportation Unit that they were actually public spaces, it is not believed that this inconsistency changes the recommendation as the Transportation Unit confirms that there is no objection to the proposal.
- 5.20 Though it is acknowledged that the parking provision nearby is public and that several houses in the immediate area make use of these limited spaces, the proposal is not unacceptable from this perspective as it does not involve changing the density from what could happen currently. Therefore, it is considered that the proposal is acceptable in respect of Policies CH33 and CH36.

Relevant Planning History

- 5.21 It can be seen from the planning history that a 106 agreement had been made at the time of approving the original application to create three houses with the use restricted to local need only. This agreement was subsequently removed by means of

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a formal application which was approved, on the grounds that the planning circumstances had change since the original permission and specifically that it was not now appropriate to restrict houses to 'local' need only.

Response to the public consultation

- 5.22 As already noted, additional observations were received from local neighbours together with a petition objecting to the proposal. Several matters have been raised, some of which are material planning matters and others which are not relevant such as a private covenant on the property (which is not a matter which can be controlled through the planning system). In addition, there is reference to the application not being advertised and as there were several holiday homes nearby it would not be possible for the owners of these houses to know about the application as their houses are not currently in use. It is believed that a full consultation has been held locally for this application by means of letters being sent to adjacent houses/buildings and by placing a public notice in a prominent place near the property and that this was in accordance with the statutory requirements for advertising planning applications.

It is considered that the material planning matters raised in the above assessment have been given full consideration and that there are no matters that outweigh the relevant policy considerations.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidance, together with the observations received, it is believed that this application to convert a residential dwelling into a house in multiple occupation is acceptable and complies with the requirements of the relevant policies noted above.

7. Recommendation:

- 7.1 To approve – conditions

1. Time
2. Comply with plans