

# Planning Statement - John Pinn

## Planning Statement

98 Coburn Street, Cathays, Cardiff, CF24 4BT

### **Introduction**

This is an application for change of use from a C3 dwelling house to a six person HMO (C4), part demolition of single storey extension and associated internal alterations.

### **1.0 Accessibility**

#### **1.1 Access into the rear extension**

Access into the rear extension is via the existing communal hallway with an existing single step.

#### **1.2 Movement with the building facilities**

All door openings will comply with DDA and building regulations where possible, although there are certain constraints within the building due to the building being existing.

### **2.0 Community Safety**

There are no major community safety aspect to address in this proposal due to the nature of the works being completed. An HMO application will assist in dealing with any security concerns.

### **3.0 Environmental Sustainability**

The proposed alterations to the building will be built using materials which are non toxic, sustainably produced or recycled materials which require little energy in the manufacturing process.

Longer lasting and better functioning products will be selected so as to reduce impacts of producing replacement.

Consideration will be given in selection of materials which are locally available. In the construction, priority will be given to local building contractors.

The overall building on completion will be able to operate with less heating and less artificial lighting to reduce impact on the environment.

### **4.0 Internal Living Arrangements**

Consideration has been given to the internal living arrangements and amenity standards of the property to ensure a good quality of living for future occupants. Private Sector Housing of Cardiff County Council issue guidance on room sizes and amenity standards which has been adhered to.

An HMO licence will be applied for upon completion of the works to comply with the requirements of the 2004 Housing Act.

### **5.0 Building Design**

The finishes to the building are annotated on the elevations accompanying this application.

### **6.0 Amenity Area**

The proposed external amenity area is 30.8m<sup>2</sup> measured inside the boundary wall. The planning application partially removes the extension to improve and enlarge the external

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amenity area. The gap to the side of the house is below 1.4m in width and is not included within the amenity area calculation, nor is the area outside the ground floor rear bedroom and is compliant with The Houses in Multiple Occupation SPG.

The amenity area includes undercover cycle storage for six cycles as well as 240L storage for recycling, 240L storage for waste and 2 No. 25L storage containers for food waste.

The Houses in Multiple Occupation SPG (6.3.2) requires 25m<sup>2</sup> for six persons, and therefore the amenity area exceeds the councils requirements for the change of use.

### 7.0 Change of Use

The change of use is compliant with policy H5 of the adopted LDP which is a permissive policy which supports the conversion of buildings to HMO upon certain criteria being met, all of which are considered to be met.

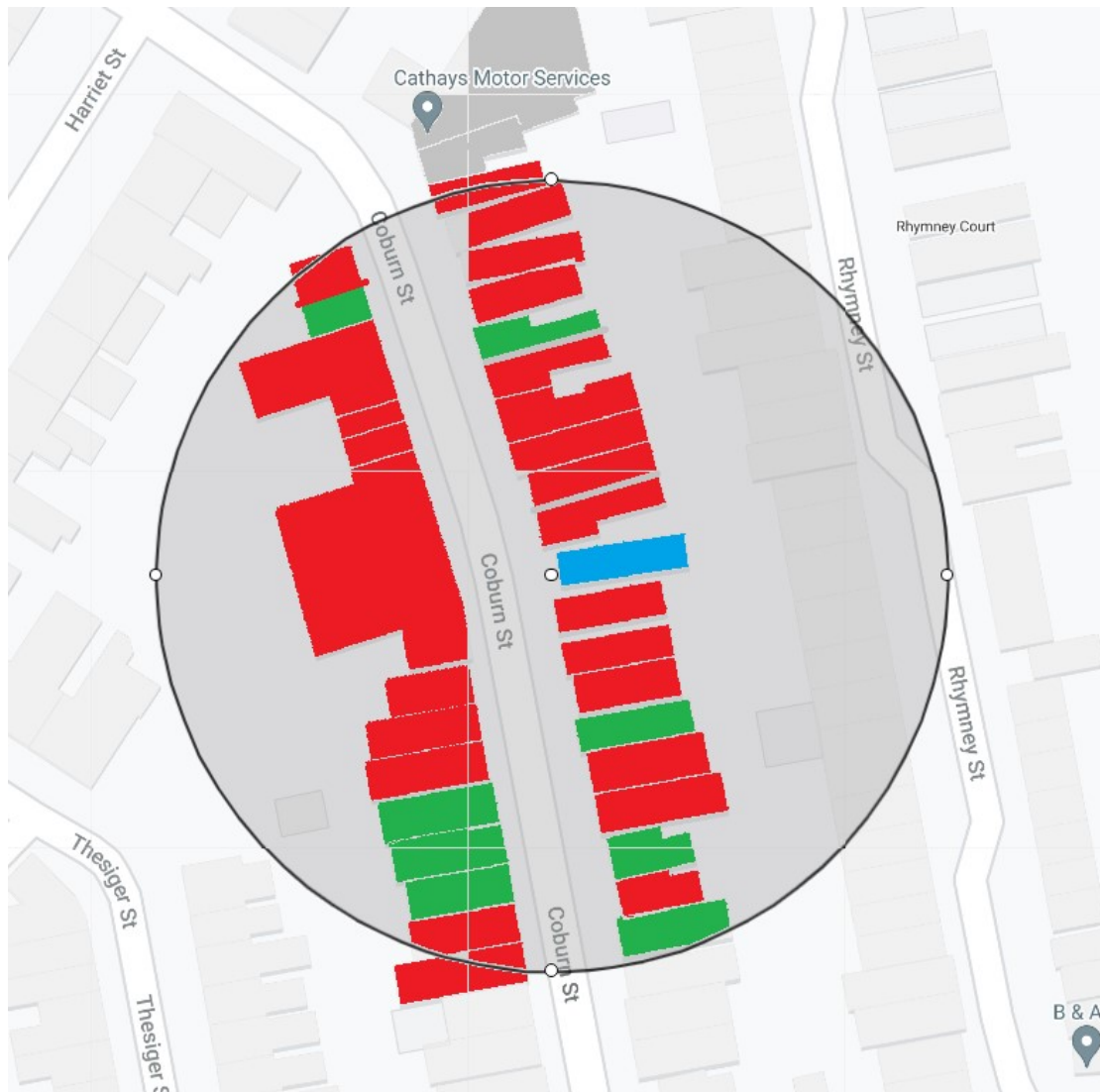
Whilst planning permission is required for the change of use, the Council should not be relying heavily on the HMO SPG when considered grounds for refusal where change of use would be restricted when the concentration of HMO's is over 20% within 50m, as whilst the SPG is of material consideration, there have been multiple Welsh Government inspector decisions who have not supported the councils threshold. The council must take into account inspectors decisions, particularly due to the consistent nature of these decisions. The appeals will be referenced later in this statement.

As detailed above, cycle storage for six persons (SPG reference 6.5.1) and sufficient waste and recycle storage (SPG reference 6.2) will be provided within the amenity area and is indicated on the site plan.

The layout of the property is sufficient both in terms of planning policy and with regard to the House in Multiple Occupation licence that will be required under mandatory licensing of the 2004 Housing Act.

### 8.0 Local Area Analysis

Using the council's SPG methodology of a 50m radius, there are 28 HMO's and 9 non HMO's (including the subject property) giving a percentage of 76% HMO's in the near vicinity.



For clarity due to unclear property boundaries on the map the HMO's on the left hand side of Coburn St are No. 61, 63, 71 – 93 inc. & 97.  
The non HMO's are 65, 67, 69 & 95.

The HMO on the right hand side are:

*Application Property – Blue*

*HMO's – Red*

*Non HMO – Green*

Within a 50m radius of the applicants property there are 30 HMO's and 8 non HMO's including the applicants property resulting in an existing density of 79%.

### **9.0 Planning Appeals**

*The council has had many planning appeals on these matters and the inspectors have consistently allowed these appeals, where the areas is already densely populated by HMO's.*

*The planning appeals are a material consideration and these the inspectors decisions should be taken into account. The council is well versed in these appeals and as such only brief*

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*summaries are listed below, but it has clearly been established that these application do not result in adverse cumulative impact, noting that any change has already occurred with the thresholds far exceeded.*

*The most recent appeal decisions are listed below and copies attached.*

*15 Coburn Street was allowed at appeal with costs granted for C3 to C4 (APP/Z6815/A/20/3252990) where the inspector stated .. "lead me to conclude that the proposed change of use would not have a significant adverse effect on the character and amenity of the area, cumulatively or otherwise. Therefore, it would comply with policy H5 of the CLDP, the relevant content of which has been set out above. While there would be conflict with the SPG threshold, in this case I have not found that it would result in actual harm."*

*48 Coburn Sytreet was allowed at appeal with costs granted for C3 to C4 (APP/Z6815/A/20/3262361)*

*17. The Council states that the use of the property as an HMO will further exacerbate negative impacts associated with HMOs in respect of crime and anti-social behaviour. I note the similar concerns of South Wales Police in that regard. Reference has also been made to environmental health issues, such as noise pollution and household waste. I have considered the statistical data included within the SPG relating to those matters. However, it is also accepted in the SPG that: 'The causes of anti-social behaviour (ASB) and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone' [my emphasis]. The SPG goes on to say that 'analysis of 50 streets from different inner city wards demonstrates that there may be some correlation between a concentration of HMOs and a prevalence of certain crime and ASB incidents' [my emphasis]. Given the qualified nature of those statements and that correlation is not causation, in other words, just because two things correlate does not necessarily mean that one causes the other, I am not convinced that the conversion of the appeal property would significantly exacerbate those problems, considering the already high level of HMOs in the immediate area. With regard to household waste issues, I also note that the Council's Waste Management team has not objected to the proposal.*

*164 Rhymney Street was allowed at appeal with costs granted for C3 to C4 (APP/Z6815/A/20/3266132) with the inspector noting*

*"Overall, I conclude that the proposed change of use would not have a significant adverse effect on the character and amenity of the area, cumulatively or otherwise. Whilst it would not comply with the threshold set out in the SPG, in this case, I have found that it would not result in actual harm. The proposal would comply with LDP Policy H5 which requires development proposals to cause no material harm to amenity or the character of an area and with Policies KP5 and KP13 to encourage balanced communities and sustainable neighbourhoods."*

**59 Cranbrook Street, Cathays - APP/Z6815/A/18/3211717**

*This application was for change of use from C3 to C4, which the inspector allowed noting;*

*"Where 78% of properties within a 50 metre radius of the appeal site are HMOs, well above the 20% threshold set out in the SPG. Nevertheless, there is no substantiated evidence that directly links the proposal to any significant loss of community cohesion or character, which is already largely determined by the existing concentrations of HMOs in this particular location"*

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### **22 Flora Street, Cathays - APP/Z6815/A/19/3230954**

*The application was for a change of use from C3 to C4 which the inspector allowed noting;*

*Given the approved use of the property and the extent to which HMO use is already the predominant use in the immediate vicinity, it is not an area that can be reasonably considered to be sustaining a mixed use and socially cohesive community. There is no compelling evidence to support the concerns of the Council in relation to any additional cumulative harm that would arise in terms of community cohesion or demand on social, community or physical infrastructure.*

### **49 May Street, Cathays - APP/Z6815/A/18/3214589**

This application was for a retention of change of use to HMO sui generis from C3, which the inspector allowed noting;

“There is no substantiated evidence that directly links the proposal to any significant loss of community cohesion or character, which is already largely determined by the existing concentration of HMOs in this particular location. Any significant changes in the balance and mix of households and the overall character of the area resulting from an over-proliferation of HMO’s has already taken place”

### **138 Miskin Street, Cathays - APP/Z6815/A/18/3218171**

This application was for change of use from C3 to C4 and was allowed at appeal with the inspection noting:

The Council has adopted policy and guidance particular to HMOs; Policy H5 of the LDP relates to the sub-division or conversion of residential properties and in 2016 Supplementary Planning Guidance (SPG) was adopted entitled *Houses in Multiple Occupation*. When applied to the area in which the proposal falls, the SPG identifies an upper threshold of 20% for HMOs within a 50m radius of the site, beyond which threshold, the SPG states that HMOs should be resisted. Be that as it may, the SPG is guidance only and is designed to amplify the policy requirements. In this regard, the thresholds set should not be regarded as prescriptive. In this case, it is criterion 3 of Policy H5 states which is at issue, and this requires that the cumulative impact of conversions should not affect the amenity and/or character of the area.

I accept that the proposal would amount to a change of use, however, with over 80% of properties in the area being in use as HMOs, I consider it inevitable that this informs the character of the area. Whilst the area surrounding the appeal site may once have been characterised by family homes, this has changed over time such that the majority of dwellings are now in HMO use. It is against this established character that the effect of the proposal should be assessed.

I consider the change of use of this property to a HMO would not cause significant harm to the character and amenity of the area and it would therefore accord with Policy H5 of the LDP. As I have already found that the appeal proposal conforms to the character of the area, the proposal would also accord with policy KP5 of the LDP.

### **74 Daniel Street, Cathays – APP/Z6815/A/17/3190232**

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This application was for a change of use from a 7 bedroom house to a house of multiple occupation. The application was allowed at appeal with the inspector noting:

The Council's concerns as to the effect on local community cohesion and infrastructure are similarly unsubstantiated. The waste collection and pollution control departments have provided no objections to the proposal and given the accessibility of the site and the provision for cycle parking, there would be no serious additional demands placed on local parking facilities. I also have no information to suggest that the long term future of any local community facilities are being jeopardised by the existing concentration of HMOs or that the proposal itself would result in any direct harm to this effect. By their nature, HMOs are likely to result in transient residents, and students in particular will mean empty properties at certain times of the year. Nonetheless, given that the area around the appeal property has a healthy mix of uses, and in the absence of information to suggest otherwise, I have no reason to believe that the proposal would upset the existing community balance or lead to any unacceptable loss of community cohesion.

The Council's Supplementary Planning Guidance (SPG) provides general empirical evidence on the issues associated with high concentrations of HMOs and Welsh Government (WG) research<sup>2</sup> provides a similar picture. However, none of these problems seem particularly prevalent in the vicinity of the appeal property. There is no dispute that the 20% threshold for HMOs stipulated in the SPG would be breached but in my view it is not sufficient just to say that a breach would occur without demonstrating that harm would be caused. In particular, Policy H5 of the Cardiff Local Development Plan (LDP) permits HMOs providing, amongst other things, the cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.