

**Application Number:** DM/2019/02076

**Proposal:** Discharge of condition no. 5 of planning consent DM/2019/00595 (management plan).

**Address:** 62 Chepstow Road, Caldicot, NP26 4HZ

**Applicant:** MHA c/o Agent

**Plans:** Block Plan 3826\_PA\_001 - , Other Amended Management Plan

## **RECOMMENDATION: APPROVE**

Case Officer: Kate Young  
Date Valid: 20.01.2020

**This application is presented to Planning Committee because when the original application was considered by Committee on the 1st October 2019, Members approved the application subject to a condition requiring a Management Plan being submitted for the approval of the local planning authority and that that Discharge of Condition application for the Management Plan be considered by Planning Committee**

**This application is therefore presented to Planning Committee**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

62 Chepstow Road is a six bedroom, two-story, detached property located within the Caldicot Development Boundary as referred to in Policy S1 of the Local Development Plan (LDP). It is accessed off a long driveway that runs between no. 64 and 62A Chepstow Road, it is set back from the road behind no. 64. There are residential properties on three sides of it and to the south are playing fields. There are three, off road car parking spaces to the front of the property. In October 2019, planning permission was granted to change the use of this property into a House of Multiple Occupation to help to prevent homelessness within the southern part of the county. There is currently a shortage of social housing in the County. Therefore, 62 Chepstow Road will be used for shared family accommodation and will be managed directly by the accommodation staff in the Housing Options Team. It is expected that the majority of the families accommodated, will be from the Caldicot and Chepstow Area

#### 1.2 Value Added

There have been amendments to the management plan; this was submitted on the 23/10/20 and all interested parties were re-consulted.

#### 1.3 Proposal Description

1.3.1 In October 2019, planning permission was granted under application number DM/2019/00595 for a change of use of No. 62 Chepstow Road from a C3 dwelling house to C4 house in multiple occupation. Condition no. 5 of that approval stated that:

Prior to the approved use commencing, a Management Plan outlining how the dwelling will be managed and operated shall be submitted to and approved in writing with the LPA. The hereby approved House of Multiple Occupancy shall operate in strict accordance with the provisions of the approved management plan in perpetuity.

Reason: To ensure the building is occupied in a manner that does not harm the amenities of the occupiers of the building or local residents to ensure that the use accords with the objectives of policy EP1 of the LDP.

1.3.2 This current application seeks a discharge of that condition. An application for a non-material amendment under application DM/2020/01269 has been submitted to amend the wording of condition 3 of the original application DM/2019/00595. That requests that the wording of condition 3 provides that, 'No more than six people shall occupy the building at any one time and it shall be occupied by families only (including lone parent families) and no lone adults'. This is to reflect the concerns of local residents. That application is not currently valid.

1.3.3 62 Chepstow Road is a 6 bedroomed detached house owned by Monmouthshire Housing Association (MHA). MHA purchased the property to support the Council to meet its homeless duties under the Housing (Wales) Act 2014. The purpose of this management plan is to set out how the Council's emergency shared family accommodation at 62 Chepstow Road, Caldicot will be utilised and managed. As the owner, MHA have acquired planning permission for the property to be used as a House of Multiple Occupancy, but for a maximum of six people. The condition of the planning consent is that the property will only be used to accommodate families. The Management Plan reflects that the property will only be used to accommodate families. No more than six people shall occupy the building at any one time and it shall be occupied by families only.

#### General Management

The day-to-day management of the property falls within the remit of the Council's Housing Options Team and accommodation staff. The management responsibility sits with the Housing Options Team Manager. Management responsibility is delegated to the Private Sector Liaison Officer who supports and oversees accommodation management and a team of Accommodation Assistants. One of the Accommodation Assistants will be responsible for the day-to-day management of the property. The aim will be for as close as possible, daily visits to be made to the property during the working week, although this will be subject to holidays, sickness or other priorities. The Accommodation Assistant will be provide a first point of contact for residents, neighbouring residents or agencies. During periods of staff absence, the responsibilities for day-to-day management will transfer to the wider Accommodation staff/team. Named staff will be subject to change.

#### Privacy

The first floor, side elevation windows overlooking 62A Chepstow Road shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity. The Council will install and maintain trellising to the rear of 64 Chepstow Road to improve privacy.

#### Fire Safety

A pre-occupancy Fire Risk Assessment will be undertaken. Any potential works identified will be picked up either by MHA or the Council, depending on responsibility. Internal weekly alarm and emergency lighting checks will be completed by the allocated Accommodation Assistant and recorded in an evidence of fire safety record. Periodic inspections will be undertake by Inferno Fire and Security Solution Ltd or another suitable contractor. This will inform on-going reviews of the fire risk assessment. In relation to fire alarm testing, this will be implemented in such a way as to be as sensitive as possible to the local community to minimise any inconvenience or distress. The Council will aim to test the alarm as close as reasonably possible to the same time and day, although this may not always be possible. The Council is able to liaise with immediate neighbours in this regard if required.

#### Health & Safety

A full risk assessment will be completed and maintained by the Council. Any arising actions identified will be completed. The risk assessment will be reviewed at least annually. A pre-occupancy has been completed by MCC Environmental Health, which will help to inform the risk assessment. Actions identified will be addressed. The property will be added to the Council's gritting schedule in respect of freezing temperatures.

#### Allocation of Vacancies

Allocations will be made by MCC HOT Accommodation Team. All rooms are to be allocated to families only. The accommodation will be for a maximum of 6 people in total. Prior to allocation, a Risk Assessment will be completed and S115 obtained from the Police for individual households being considered for vacancies. MCC will be sensitive in allocation, and will refrain from placing families where anti-social behavior has been an issue in their Homeless Application to allay

concerns from existing neighbours. Any applicant considered unsuitable will not be allocated accommodation at this address and alternative arrangements will be made. All families will be allocated a support worker as per the conditions of their License Agreement.

Subject to assessment and suitability, the MCC HOT Accommodation staff may consider the property for households with family members who may have physical mobility issues. The suitability of the property and any offer of accommodation will be discussed with households with physical mobility issues. If necessary, advice will be sought from a Social Care or Health Occupational Therapist about suitability. Joint visits will be arranged if necessary. Discussions with an Occupational Therapist could possibly inform the provision of disabled adaptations, subject to agreement by MHA.

#### Vehicle Access & Parking

Residents will be allowed to use the drive to park any vehicle, subject to agreement by the Council. Vehicular access and egress will form part of the risk assessment for the property. MCC staff and visiting professionals will not be allowed to use the driveway to park, with the exception of maintenance staff. The Accommodation Assistant will monitor parking.

#### General Security

CCTV will be installed and maintained by Inferno Security Ltd or another appropriate contractor.

#### Rent Arrears

All residents will be required to pay the weekly rent and any service charges, as per the conditions of their license. In the event of non-payment of rent Council will implement procedures to collect any outstanding rent. This could include written notifications, telephone calls, emails, visits, legal action and eviction. Rent recovery action will also include providing support to positively assist residents if deemed necessary. For example to a suitable housing support provider.

#### Emergencies & Out of Hours

Emergency Out of Hours Maintenance will be provided by MHA

Out of hours support & advice via the Council's emergency arrangements and the sub-regional homeless out-of-hours arrangement between MCC, Blaenau Gwent and Torfaen County Borough Councils.

Contact numbers will be given to residents and will be displayed in the property.

Contact numbers will be given to the neighbours.

#### Anti-Social Behavior

See policy attached. If necessary, MCC will liaise closely with local CADRO Team as well as attend local meetings where appropriate. If necessary, MCC HOT Accommodation Team will undertake joint visits with the Police and other agencies. Anti-social behavior could result in eviction.

#### Repairs & Maintenance

MCC HOT Accommodation Team will monitor repair and maintenance and will arrange any necessary day to day works and if applicable, liaise with MHA. Gas Safety Checks will be completed annually by MHA Fixed wire electrical testing will be completed every 5years by MHA. Annual PAT testing to be scheduled with MHA.

Appendices to the report are

License Agreement

Anti-Social Behaviour Policy

## **2.0 RELEVANT PLANNING HISTORY (if any)**

DM/2019/00595 Change of use from a C3 dwelling house to C4 house in multiple occupation.

Approved 04.10.2019

DM/2019/02076 Discharge of condition no. 5 of  
planning consent DM/2019/00595 (management plan)

Pending Determination

DM/2020/01269 Amendment to the precise wording of  
condition 3 of planning consent DM/2019/00595, which should be amended to read - No more than  
six people shall occupy the building at any one time and it shall be occupied by families only  
(including lone parent families) but no lone adults. Invalid Application

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

### **4.0 NATIONAL PLANNING POLICY**

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Caldicot Town Council** (13/11/20) - Deferred

MCC/MHA to be invited to a meeting to explain why they had not adhered to the agreements made at the meeting held on the 20/08/20.

#### **5.2 Neighbour Notification**

Letters of objection have been received from 11 addresses, following re-consultation, on 10/11/20.

General dislike of proposal

Inadequate parking provision

Increase in traffic

Not enough information given on application

Out of keeping with character of area

Original comments still stand

Lack of community involvement

Information missing from plans

Noise nuisance

Strain on existing community facilities

The property is not suitable for the purpose it was purchased for and certainly not for single people

to be accommodated in rooms with only communal facilities, which does not work  
Would make it more like a Hostel than someone's home  
The property nor area is not suitable for their proposals especially with a school backing onto the property  
Other houses in Caldicot that have been granted these conditions are notorious for disturbances and regular police activity  
Are the people who have been evicted from private houses due to causing a disturbance and placed in local hotels going to be placed in this house?  
We are in the height of a pandemic where vulnerable people are struggling enough without having the additional stress and strain of having to object a planning application  
There could be police and specialist team intervention/presence within the placement of families needing to be accommodated  
Increase in anti-social behaviour  
Phone numbers in case of emergencies might not bring peace of mind for residents  
Doesn't this contravene the current coronavirus laws in place for Wales with external bubbles all mixing together under the one roof  
The driveway to 62 Chepstow Road is extremely steep and dangerous  
Any risk assessment on the property would have identified or highlighted the liabilities of such hazards/dangerous access  
Would the council take responsibility if a serious incident was to happen to pedestrians?  
What happens if a family expands in size (through pregnancy) or rooms were sub-let without permission, particularly if inspections were missed due to lockdowns, annual leave or sickness of MCC staff?  
If the property is sold on under HMO conditions would the rules apply to the future purchase or could it be of further detriment to the community?  
The property is not suitable for the disabled.  
You have still not confirmed that if this property is sold there will be a clause banning single persons and only families allowed to reside there  
No lone adults does not mean that it could not be occupied by two adults plus two other families or three lots of two  
Over development of the site  
This development is in effect a commercial venture by MCC; accepting people from other areas of the county brings a financial gain  
Still very wary of MCC changing the rules and granting themselves permission to do what they want  
Chepstow Road has been identified by MCC as an Active Travel Road  
The Management Plan is also ignoring the specific amendment by MCC Planning Committee as well as a minuted meeting with MHA, Caldicot Town Councillors and residents on 20/08/2020 by putting their own spin on agreed wording because "they did not like it "as stated by senior planning management  
With the continual amount of Overseeing and Supervision expressed in this Plan it appears to be a back door method to turn this property into a Commercial Office unit by the Community Housing Services  
The new management plan does not contain the agreed outcomes of the residents at the council meeting; in fact no action has been undertaken and an action explicitly agreed as no single people should reside at the property has been omitted from the documentation  
Access is not suitable for an emergency vehicle such as a Fire Engine or Ambulance or a mobility scooter or wheelchair  
Representatives of MHA are fully aware of the noncompliance of the driveway and drive splays and are ignoring the wellbeing of their staff, residents, visitors and pedestrians  
Public Bodies have let local residents down and acted in disregard for the public purse.

Letters of objection received from 22 addresses on the original submission of the management plan in January 2020

Close to adjoining properties  
General dislike of proposal  
Inadequate access  
Inadequate parking provision  
Loss of privacy  
Noise nuisance  
Out of keeping with character of area

Some families could use this facility in the correct manner that it is intended but this is proven not always to be the case in such previous hostels for families in Monmouthshire

The fact that there is an anti-social behaviour policy included in the documents clearly contributes to the growing concerns of the neighbours

The installation of CCTV, the fact the property overlooks several private residential houses

No direct control over who can visit the property and those who will occupy it

Those who will occupy the property will be changeable and variable

The access/ drive is a clear hazard and danger

The intention of a bollard is not purposeful and will not act as deterrent for visitors/ occupants

No access for emergency vehicles

The council have invested a staggering amount of money via grants and tax payers' money, with very poor thought process involved and is alarming

Still object to this proposal and feel deeply sorry for the stress and anxiety placed on the neighbours and residents

The application, work and consultation has been very poorly handled

The plan has been a total waste of council tax payers' money

Out of context with neighbouring and surrounding properties

Will cause anti-social behavior and a devaluation in the property prices

Must have been more cost effective solutions available to MHA

I have yet to see the same story from anyone within Monmouthshire Planning or Monmouthshire Housing as to its real proposed use

This is a retrospective planning application as all work has already been carried out at great cost to the rate payer

Parking will be on the road or pavement causing traffic issues

Other more suitable properties specifically for multiple occupancy have come up for sale

This property is not disabled friendly

There is only one duty officer for Torfaen/Blaenau Gwent and Monmouthshire during evening hours; this is totally unacceptable considering all the security you deem necessary to put in place

Houses already used for this purpose in Caldicot have caused issues with noise and mess

Windows all overlook either houses and gardens or the children in the school directly behind it

You said that you wanted to keep families close to their point of origin, this cannot be possible when two other authorities are involved

If this is a family with ASBOS and a curfew in place there is very likely to have been serious issues that incurred the displacement from previous homes

A tenant in a similar property in Caldicot could only be evicted when he committed a crime and was sent to prison

An increase in the crime rate will occur

No notification displayed on the property

All aspects of the purchase, finance and planning applications have been suspect

A six bedroomed house for six people is complete waste of ratepayers' money. Many families would love to have a bedroom each!!!

The recommendation of no single people which was continually stated in the departmental emails of MCC senior personnel has been removed

The driveway splay which was an original planning safety requirement still has not been reinstated

An office based hub for MCC personnel within this property renders this building into commercial premises amongst residential properties

Children will have their own bedrooms which, if they are not locked, will give open access to strangers and if they are locked into a room while they sleep on their own it would be totally unsuitable and could not be justified in any risk assessment

You are discriminating against all households in Caldicot by placing a gritting policy order on this property during freezing temperatures

This property is unfit for purpose

Lack of communication and plans incorrect

No wellbeing consideration given to the neighbours and residents since this property was purchased by the council

With this management plan they are actually making the situation worse

As work started on the property well over a year ago, which suggests funding was in place prior to any formal planning permission. This needs to be investigated

Obviously reaching a set housing target takes preference over the justified objections of the local council tax payers

I find the statement about the property being for a maximum of 6 people yet only for families

confusing

I am extremely concerned about the type of persons living in this house and what upset they may cause my family and my neighbours

The lay-by is used constantly through the day by residents so I can only assume the road or pavement will be used for parking

Chepstow Road is a nice residential road with nice people

This could put vulnerable people at risk, especially the young, elderly, and disabled members of the community

If this establishment is for families why are all these precautions and action plans in place, unless it is known to house people that may have a history of problems?

School children are a target group for drug dealers and could be exploited

The vetting process appears contradictory - if clientele are checked, why are anti-social behaviour contact numbers being issued to neighbouring properties?

It is not suitable for more than one family, if rooms are to be locked the health and safety of any children present could be endangered

There is a lack of Police presence in the area

Should this matter be dealt with by an independent body? Is the Monitoring Officer Aware?

From the original application safeguarding measures weren't looked at and in this application they haven't been again

No planning permission was given for the works to the doors and windows

Emergency access to the property will be limited resulting in possible endangerment to life in the case of fire

The constant changing of plans and general lack of transparency from this council is disgraceful and a total misuse of public funds

You state in your application rental agreement that any tenant at this hostel will be removed if they do not adhere to the rules laid out. With the removal of Section 21 this can now take up to 12 months. How will MHA deal with this?

The Management Plan states a maximum of six people, as a condition of the planning consent and the requirement to accommodate families. This is incorrect - the condition was that it was to accommodate families and no single people

Regular Fire Alarm Checks - this would be a major impact on us as neighbours

No parking at the property will cause problems

Property is not suitable for disabled access

The original planning approval, subject to conditions is for a HMO not a hostel

Drawings supplied are still not correct

Risk Assessment - apparently this has identified required actions but does not say what, I suggest these actions be made known and listed in the plan before it is even considered

Process not open and transparent

The residents of Caldicot have a right to know what MCC's plans are when they purchase land and properties for housing people with social, mental and psychological problems

There is a lot of social housing in Caldicot; are other places taking their fair share?

Weekly room inspections should be logged to protect other residents in case of incidents which could cause harm/ stress

Will the existing residents have a voice concerning the new residents that are going to live in the house with them?

This new planning application dramatically changes the subject matter put before the Planning Committee.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### **6.1.1 Principle of Development**

Planning permission has already been granted for the change of use of No 62 Chepstow Road into a house of multiple occupation. This current discharge of condition application seeks the approval of the Management Plan. The Management Plan has been drawn up by MCC Housing & Community Services, who have considerable experience in setting up and running such establishments. The Accommodation Assistant will be responsible for the day-to-day management of the property. The aim is for daily visits to be made to the property during the working week. The Accommodation Assistant, may choose to work from the property sometimes. The presence of a staff member on the

site will be beneficial to residents. The families who will be accommodated at the property will be allocated by the MCC HOT Accommodation Team and will be based on need. It is expected that most of the residents will come from the Chepstow and Caldicot area. A full risk assessment will be completed and maintained by the Council. Any arising actions identified will be completed. The risk assessment will be reviewed at least annually. It will be up to the Council's Housing Options Team to ensure that the property is managed well and that the occupiers do not adversely impact on the amenity of existing residents in the local area.

## **6.2 Response to the Representations of Third Parties and/or Community/Town Council**

6.2.1 Caldicot Town Council says that the amended management plan does not reflect what was agreed at the meeting between MCC/ MHA and local residents at the meeting of the 20th August. Many of the suggestions made by local residents were incorporated into the amended plan. The issue of the fire alarm testing was looked at again and amended as was the suitability of the site for use by people with disabilities. Some of the issues raised at that meeting could not be altered. Residents wanted the access into the site to be changes to allow for a wider visibility splay, but this could not be altered due to the physical layout of the site. The Highway Authority had said on the original application that the existing access was acceptable and did not compromise highway safety.

6.2.2 There have been letters of objection from 22 residential addresses on the original submission and comments received from 11 addresses following re-consultation on the amended management plan. The majority of these comments relate to the principle of the proposed change of use, but this has already been approved by members of the Committee and the principle is already established. This current application is to consider the content of the Management Plan.

6.2.3 Comments received from local residents regarding the management plan are addressed below.

6.2.4 Residents were concerned about how many people would be able to occupy the premises at any one time. To address and accommodate these concerns this matter is being addressed by a separate application for a non-material amendment as set out in par. 1.3.2 above. This will address the residents' concerns that single adults could occupy the building. The intention is that the premises shall only be occupied by families. The Housing Option Team will have control over who occupies the property, they will vet the potential occupants to assess their suitability. The anti-social behaviour policy is included as a precaution. Residents say that having emergency contact numbers does not bring them piece of mind; the use of the phone numbers is optional - some residents may feel reassured but other local residents may chose not to use them. Residents have said that there has been a lack of community involvement and that no site notice was posted advertising the application. There are no site notices necessary in relation to a Discharge of Condition application and there is no requirement in the planning legislation to notify interested parties. However in this case planning officers decided to notify all of the 96 residents who objected to the original planning application and again consulted them when the amended Management Plan was submitted. A risk assessment will be undertaken each year by the Housing Association.

6.2.5 The Housing Association will not allow any sub-letting of the property. If one of the residents of the HMO does give birth while occupying the premises this might affect the number of people occupying no 62 and if this is the case, the housing association will take a common sense approach. MHA has no intentions of selling this property on but if it did the property could remain as a HMO. As stated above the Housing Association did listen to the residents' concerns about the management plan that were expressed at the meeting in August. The Management Plan was amended where this was possible however there were some issues such as the access that could not be controlled by MHA. Local residents have also expressed concern that no. 62 Church Road would become an office space for members of the Housing Association or housing staff with MCC. This is not part of the plan for the building. Some staff who are visiting the dwelling to check in on the residents may wish to stay little longer to catch up with their work, but this will be an informal arrangement and members of staff will not visit no. 62 with the sole purpose of working there. No 62 Chepstow Road will not become an office facility.

The property will be added to the Council's gritting schedule in respect of freezing temperatures, but the argument that this is discrimination is not a material consideration. Residents say that the plans are inaccurate; the only plan submitted with this application is a site plan with the site outlined in red and planning officers consider this to be accurate. Any applicant considered unsuitable will not be



allocated accommodation at this address and alternative arrangements will be made. The Housing Association has an adopted policy for the removal of tenants if any problems arise; this has been tried and tested on similar schemes. Local residents are also most concerned about the parking arrangements on the site. The Management Plan states that MCC staff and visiting professionals will not be allowed to use the drive to park, with the exception of maintenance staff and that the Accommodation Assistant will monitor parking. Following discussions with local residents it has been agreed that no bollards are required and that residents of no 62 will be allowed to use the drive to park a vehicle, subject to agreement by the Council. It is not expected that many of the occupiers of no. 62 will own cars and want to park them on the site. Vehicular access and egress will form part of the risk assessment for the property. The risk assessment will comply with the appropriate standards. Finally local residents have suggested that the MHA staff should visit the property more frequently to carry out checks. The Management Plan states daily visits will be made to the property during the working week, although this will be subject to holidays, sickness or other priorities. This is considered acceptable and is the policy on similar schemes within the County. The Housing Options team will have reviewed how much cover is required, having experience in these matters and will have put forward a system that they know will work for both residents and staff. The applicant is best placed to understand how to run the facility effectively.

### **6.3 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### **6.4 Conclusion**

The content of the Management Plan and the level of detail is sufficient to ensure the building is occupied in a manner that does not harm the amenities of the occupiers of the building or local residents. The Plan does ensure that the use of the premises accords with the objectives of policy EP1 of the LDP. The application is therefore recommended for approval.

### **7.0 RECOMMENDATION: APPROVE**



