

Application Number: DM/2023/00797

Proposal: Change of use from C3 (dwelling) to sui generis (HMO - House in Multiple Occupation) for a maximum of 8 occupants

Address: 2 Little Hervells Court, Chepstow, NP16 5FF

Applicant: Mr Adam Vers

Plans: Site Plan 2326/01 - A, Location Plan 2326/02 - , All Proposed Plans 2326/03

RECOMMENDATION: Approve

Case Officer: Mr Ryan Bentley
Date Valid: 06.06.2023

This application is presented to Planning Committee upon request of the local member, an objection from MCC Highways and the number of unresolved objections received

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a recently constructed detached dwelling with accommodation arranged over four floors on Hervells Court, Hardwick Hill. The property benefits from a private rear amenity space and off street parking consisting of driveway and parking area immediately outside the dwelling, with a detached garage and parking area adjacent to the dwelling. The application site is within the Chepstow Conservation Area and within close proximity to the listed building, Lower Hardwick.

The application site falls outside of a flood zone as identified by the Development Advice Map (DAM) that accompanies Technical Advice Note 15: Flood Risk and Development and is outside of the River Wye Phosphates Catchment Area.

1.2 Value Added

The applicant has provided amended plans that details two bird boxes fitted on the north-east elevation. There will also be two bat boxes fitted on the north-west elevation. This would serve as biodiversity enhancement.

1.3 Proposal Description

This application seeks consent to use the property as a house in multiple occupation (HMO) for a maximum of 8 occupiers. This would result in a 'sui generis' use at the site (i.e. it does not fall into any specified planning use class such as A1, B1 or D2 etc). No external alterations are proposed to the property. The occupiers would utilise the existing parking provision and amenity space. Occupiers would have private bedrooms and communal living areas.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2023/00797 Change of use from C3 (dwelling) to Pending
sui generis (HMO) For a maximum of Consideration
8 Occupants

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S16 LDP Transport
S17 LDP Place Making and Design
S13 LDP Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

DES1 LDP General Design Considerations
H9 LDP Flat Conversions
SD3 LDP Flood Risk
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
HE1 LDP Development in Conservation Areas
HE2 LDP Alterations to Unlisted Buildings in Conservation Areas

Supplementary Planning Guidance

Monmouthshire Parking Standards (January 2013)
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

Conservation Area Appraisal

Chepstow Conservation Area Appraisal (March 2016):
<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant

duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

The Planning (Listed Building and Conservation Areas) Act 1990.

Technical Advice Notes

Technical Advice Note 24: Historic Environment.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council - Chepstow Town Council recommends refusal for the following reason(s):

1. The addition of an HMO where there is already a high density of these types of properties is an overdevelopment of the site and not appropriate in a conservation area.

MCC Heritage - No objection. This application proposes only a change of use at 2 Little Hervells Court, no external works are proposed. On this basis, no comment in regard to the change of use.

MCC Highways - Objection.

Concerns have been raised in relation to details to demonstrate that the additional parking requirements would not adversely affect the safe operation of the private shared drive and turning provision is maintained to ensure all vehicles access and egressing the three properties can be maintained.

Concerns relate to the shortfall in parking will add to the existing parking stress experienced on the adjacent public highway particularly Hardwick Lane and Steep Street which could compromise highway safety.

Concerns are also raised in terms of the number of similar applications for change of use, and that the increase in this type of development in this location is considered to be detrimental to the highway safety.

MCC Environmental Health - No response to date.

MCC Licensing - No response to date.

MCC Tree Officer - No response to date.

SEWBRc Search Results - Red alert and priority species of Bat, Bird, Moth and Weasel.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Seven neighbour objections have been received to date, objecting on the following grounds:

- HMO density having a detrimental impact on the character of the area and the Chepstow Conservation Area. The density is in breach of Welsh Government Guidelines.
- Insufficient parking for the occupants of the HMO within the site and congested streets adjacent and near to the site. Vehicles have been blocking the lanes.
- Proposed parking spaces have already been allocated on previous applications to occupants of neighbouring property.
- Population density within the site. Overload the capacity of travel infrastructure within the town.
- Neighbouring properties not notified of the application.
- Loss of family housing with the change of use.
- Noise complaints from within the site.

- Report sent to Licensing sub-committee and residents given opportunity to speak. This has not been the case.
- Need for a balanced community within the area with lack of community cohesion with short term residents. Site is overpopulated. Negative impact from vulnerable people.
- Concerns with the rubbish bins.

It is noted that the applicant has submitted comments supporting the application.

- The application is to lease to MCC to provide housing for those in desperate need.
- Any HMO residents from Little Hervells Court are unable to use Hardwick Hill Lane and therefore there will be no impact to these properties. The application is from Hardwick Hill and not Hardwick Hill Lane.
- Regards to parking / traffic concerns, since number 3 Little Hervells and Envy House have been HMO properties the tenants have had a maximum of 2 vehicles (between 12 tenants). Should the HMO be granted 18 private parking spaces across 3 properties will be provided. The complaints regarding parking are nothing to do with the HMO properties.
- We have been living next door for a number of months and have never been disturbed by any of the tenants. We are aware that noise may be heard from the residents of number 4 Little Hervells Court as they have a large outbuilding used as a music studio and are often singing and playing instruments into the late evening. Again this is nothing to do with the HMO tenants.
- On the issue raised about rubbish, there have been a few occasions when seagulls have opened black bags on the road but these have been dealt with in a timely manner and we have never witnessed bags being 'left out for days'.
- The approval of this application will allow another 8 individuals to have a safe roof over their heads who may otherwise be on the streets / sleeping in vehicles. As the area is gated with only 1 private property within the boundary Little Hervells seems an ideal area for an HMO.

5.3 Local Member Representations

Cllr P Pavia - I am formally objecting against this proposal due to the fact that the developer has already been given planning permission to change two of his properties into HMOs. Creating a third in the same vicinity is a harmful concentration for the other residents in this area. If officer recommendation is for approval, I would like to take it to the Planning Committee for further scrutiny.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The application site is located within the settlement boundary as identified in the Monmouthshire Local Development Plan (LDP) where there is a presumption in favour of development and the efficient use of land is encouraged. The site is within a residential area and the proposed use is for a form of residential accommodation of which the site already has an established C3 residential use.

Monmouthshire's LDP does not have a policy relating to HMO's nor does it have any supplementary planning guidance relating to the distribution of HMO's, their concentration or location. Policy H9 relates to flat conversions and whilst it is not directly applicable it is considered the closest relevant policy to consider the acceptability of the principle of development.

H9: Proposals for the conversion of properties into flats within town and village development boundaries will be permitted provided that the development:

- a) will not adversely affect the particular qualities of the street or area where the proposed conversion is located;
- b) will not adversely affect the particular qualities of the buildings, particularly where they make a positive contribution to the character of Conservation Areas;

- c) provides reasonable levels of amenity and privacy of adjacent properties through careful consideration of the positioning of entrances and fire escapes, and noise transmission issues; and
- d) ensures that car parking and service requirements are met in a manner which preserves the character and appearance of the area and do not have an adverse impact on highway safety or cause traffic congestion.

It is not considered that the use of the property as an eight person HMO would have an unacceptable impact or is contrary to the criteria of Policy H9. The development is considered to be acceptable in principle.

Consideration of points c and d are set out in the below paragraphs.

6.2 Sustainability

The application site is within the Chepstow settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. The property is within easy walking distance of the town centre and its amenities and is well served by public transport. The proposal therefore accords with the sustainability objectives of both local and national Planning Policy.

6.2.1 Good Design

No alterations are proposed to the exterior of the property and therefore the visual impact and the effect upon the character and appearance of the Conservation Area would be unchanged. There is no requirement for additional infrastructure such as fire escapes or bin stores. No conflict with Policies DES1 or HE1 has been identified.

6.2.2 Place Making

There are no proposed external changes to the building as a result of this application. The building is located within the boundary walls of the listed building, Lower Hardwick. It is noted that there are a number of HMO buildings within the site (this would form a fourth) but the existing boundary walls act as a natural barrier to the surrounding roads consisting of the A48, Hardwick Hill Lane and Vauxhall Lane. Given that there are no proposed changes to the external elevations of the building and that the parking arrangements are contained within the site, similar to the existing parking arrangements there would be no anticipated detrimental impact to the character of the area. The application is considered to comply with section 3.14 of PPW11 as the development is well integrated into the fabric of the existing built environment and also accords with Policy DES1 of the adopted LDP.

6.3 Landscape/Green Infrastructure

Due to the location and there being no external alterations to the building, no unacceptable impact on the surrounding landscape is predicted. It is noted that there are TPO trees in the surrounding area but as there are no external changes there will be no additional impacts on the TPO trees. Therefore, the proposal is considered to be compliant with Policy LC5 of the adopted LDP.

6.4 Historic Environment

As the property is located within the Chepstow Conservation Area and located near to the listed Lower Hardwick, MCC Heritage has been consulted. As there are no external alterations to the building, they have no objections to the development. The use of the building as an HMO is not considered to have an unacceptable impact on the Conservation Area. Therefore, the development is considered to adhere to Technical Advice Note 24: The Historical Environment and Planning (Listed Buildings and Conservation Areas) Act 1990, section 72, in addition to Policy HE1 of the adopted LDP.

6.5 Biodiversity

Having regard to PPW 11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. The applicant has submitted amended plans that details two bird boxes to be fitted on the north-east elevation. There will also be two bat boxes fitted on the north-west elevation. On this basis, it is considered that the proposal accords with Policy NE1 of the adopted LDP.

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.6 Impact on Amenity

The proposed use is residential in its nature and therefore is not considered to result in a materially different impact to the existing lawful use as a single dwellinghouse. The existing property is extensive and arranged over four floors. As such, it could accommodate a larger family within the existing use, to which there is no limit on family size. The property is of a sufficient scale to accommodate the change of use without requiring external alterations or extension and therefore there will be no different impact upon neighbouring occupiers in terms of the built form. Due to the scale of the property, the proposed change of use is not considered to result in an unacceptable intensification of the use taking account of similar uses in nearby properties, or cause any overlooking issues.

Due to the above it is considered that the use of the dwelling for up to eight occupiers is acceptable and would not prejudice the character or amenity of the area to an unacceptable degree. Therefore, it is considered to adhere to policies DES1 and EP1 of the adopted LDP.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

PPW11 Section 4.1.12 states that it is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. This application has detailed the provision of five off-road parking spaces and as detailed in section 6.2 of this report, the building is located in a sustainable location with amenities within walking distance and good public transport links. The application is considered to adhere to the sustainable transport hierarchy.

6.7.2 Access/Highway Safety/Parking

It is noted that the MCC Highways Officer has objected to the application for the following reasons:

- The application proposes the conversion of a large, recently built residential property accessed via a shared private drive serving two other properties, Nos. 1 & 3 Little Hervells Court. The property benefits from limited parking via a gravel/loose bound shared forecourt with No. 3 Little Hervells Court and a shared block of detached garages. The detail submitted in support of the application is limited and the applicant has not provided any details of how the required parking associated with the proposal can be accommodated within the curtilage of the shared private forecourt. No details have been submitted to demonstrate that the additional parking requirements would not adversely affect the safe operation of the private shared drive and turning provision is maintained to ensure all vehicles accessing and egressing the three properties can be maintained.

- In the absence of any supporting details and particularly the lack of car parking details and turning provision the highway authority does not support the application as submitted on the basis that any shortfall in parking provision will add to the existing parking stress experienced on the adjacent public highways, particularly Hardwick Lane and Steep Street and create what are considered unreasonable and impractical vehicle manoeuvres that compromise highway safety.
- Additionally in light of the highway authority's concerns regarding this application the highway authority has significant concerns regarding the proliferation of recently approved change of use in the immediate vicinity of the proposal, the increase in the type of development in this location is considered to be detrimental to highway safety, namely:

DC/2019/01091 - Lower Hardwick 10 rooms

DC/2021/01562 - Envy 6 occupants

DC/2021/00797 - 2 Little Hervells Court - 8 occupants

6.7.3 The building currently has a C3 Dwellinghouse use. There are no proposed changes to the existing access at the site and the applicant has detailed the off-road parking provision within the site. The access is appropriate for the existing use, which is very similar to that of the proposed and so is considered appropriate. Additional information has been provided in relation to the parking layout and turning within the site.

In relation to parking, both Future Wales and PPW support lower levels of parking provision for residential developments within sustainable locations:

PPW11

4.1.50 Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off street parking, when well designed.

4.1.52 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

Future Wales

Policy 12 page 83 Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time.

Policy 12 Page 86 Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport.

Additionally, there is no evidence to support that the use of the property as an HMO would have a greater impact upon parking / the highway network than the existing use as a dwellinghouse, which could be occupied by a large family, with more than 3 cars. At the time permission was granted for the single dwelling, the site met the maximum standard as set out in the Monmouthshire Parking Standards, via the provision of 3 spaces. The current proposal does not propose any alterations to the access but the number of car parking spaces would be increased to five. The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom up to a maximum of three. The concerns from the Highways Officer are acknowledged, however given the current lawful use of the building and the increased provision within the site the parking capacity on site is considered acceptable.

As stated above, the site is located within a sustainable location and given the nature of the units, it is very unlikely that all of the car parking spaces will be occupied. The proposal is considered to accord with the objectives of Policy MV1 of the LDP in providing adequate on-site parking.

6.8 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15.

6.9 Drainage

6.9.1 Foul Drainage

The applicant has indicated that the sewage at the site will be disposed of via the Mains Sewer, with the existing connection remaining in use. This is considered to be acceptable.

6.9.2 Surface Water Drainage

The applicant has indicated that the surface water will be disposed of via a soakaway at the site. There are no external changes to the building so no increase in surface water discharge is predicted. This is considered to be acceptable. There is a large area at the front of the property that provides the current parking area and that will not be altered as a result of this proposal. Rates of surface water flow will remain unchanged as a result of this proposed change of use from C3 Dwellinghouse to HMO.

6.10 Air Quality

The application site is located within an Air Quality Management Area and air quality on Hardwick Hill is constantly monitored. The impact on air quality as a result of this proposed change of use would be minimal and would not warrant the refusal of planning consent.

6.11 Noise

The MCC Environmental Health officer has been consulted for comment but has not responded to date. There is an existing residential use at the building and the proposed change of use to allow up to eight separate occupants is not considered to be likely to result in an unacceptable noise impact on the surrounding buildings and area. Good management of the site by the landlord would ensure this is the case.

6.12 Response to the Representations of Third Parties and/or Community/Town Council

6.12.1 It is noted that several objections have been received with regards to the application. These are considered below.

6.12.2 It is noted that Chepstow Town Council, the Local Member and neighbours have objected due to the HMO density within the area and the detrimental impact this is having on the character of the area and the Chepstow Conservation Area. With regard to the impact on the Conservation Area, this has been considered in section 6.4, given that there are no physical alterations to the building, it is not considered to affect the character or appearance of the Conservation Area. There are a number of HMO buildings in the immediate area but it should be noted that Monmouthshire does not have a dedicated planning policy with regards to the concentration of HMO's. When considering the impact on social cohesion and character of the area, the length of tenancy associated with HMO's may result in a higher turnover of residents than associated with the rental of entire properties or the purchase of properties, however this is a subjective matter and any effects of the HMO use would depend on a number of factors outside the control of the planning authority, including the letting and management strategy of the landlord. This is particularly important in areas where there are proportionately high levels of HMOs in relation to other tenures, typically in areas serving universities. It is acknowledged that three of the five properties on site already have HMO status, this would be the fourth. However, it is not considered that there would be grounds to refuse permission on the basis of an over-concentration of HMO uses potentially leading to amenity problems, especially in the absence of an LDP policy to support this. In reality the number of HMOs within the community remains at a low level.

The building currently has a C3 use and there are no exterior alterations to the dwelling. Therefore, with regards to the building's impact on the character of the area, it will remain as existing. With regards to the potential residents of the building, the planning department would not be able to control this.

It is also noted that objections have been received that the density of the site is in breach of Welsh Government guidelines. The documents referenced within the objections have been considered but these relate to the creation of HMO planning policy. As stated above, Monmouthshire does not have a dedicated HMO policy (as there are relatively few HMOs across the County) and any application needs to be judged on its individual planning merits, with regards to material considerations and policies.

6.12.3 It is noted that MCC Highways and neighbours have objected to the application on the grounds of insufficient parking and turning provision. As stated in 6.7 of the report, PPW11 and Future Wales promote a reduction in car parking levels to promote good (and more sustainable) places. In this case, the applicant has detailed at least five parking spaces within the site, two more than the current residential provision. This is considered to be sufficient within the sustainable setting of the building and accords with the sustainable transport hierarchy. The application can only consider the parking provision within the site. It is noted that concerns have been raised with regards to the parking on the surrounding lanes and streets but this is not within the control of the planning authority. Based on the plans submitted, the parking provision is considered to be acceptable. With regards to turning provision within the site, there are no proposed changes to the existing access and shared forecourt. There are no controls on the amount of vehicles that can be parked at the current C3 dwellinghouse. It is noted that there is the possibility of additional parking at the site with eight separate occupants but in a recent appeal decision the inspector found that potential occupiers would know the amount of parking available at a property when they signed the lease and if parking was an important consideration for them and it was not available, then this would impact upon the attractiveness of the property as a home. For the above reasons, the application is considered to have an acceptable impact with regards to Highways.

6.12.4 It is noted that one parking space detailed has been included on a previously approved planning application, DM/2021/01623 for the adjacent property, no. 3 Little Hervells Court. This 'overlapping' of parking provision has been removed from the plans and the resulting provision is acceptable.

6.12.5 With regards to concerns raised regarding the population density within the site, this has been considered. The development is located within the Chepstow Development Boundary and is considered to be located in a sustainable location. There is sufficient travel infrastructure within the town, including bus and rail links. Within this context, the proposed density of the site within the surrounding area is considered to be acceptable.

6.12.6 With regards to the comments that local neighbours have not been notified regarding this application, the immediate neighbouring properties were notified with neighbour letters for this application. These letters were posted out via second class mail on the 13 June. A site notice was placed next to the entrance to the site in a publicly visible location. Therefore, this publicity was compliant with procedure.

6.12.7 It is noted that the proposed change of use will lead to the current C3 dwellinghouse being used as a house in multiple occupancy. However, the building will provide secure living accommodation for a range of individuals. The property is located within a sustainable area where there are a range of property types. The resulting HMO, when considered in relation to the surrounding area, is considered to be acceptable in character.

6.12.8 With regards to noise complaints from the site, this has been discussed in section 6.11 of the report. Due to the scale of the development, and whilst it is noted that there are a number of HMO buildings in the surrounding area, it is not considered to cause an unacceptable impact with regards to noise.

6.12.9 In respect of a report being sent to a licensing sub-committee, this is not within the remit of the Planning Authority. A representative can make comments to Planning Committee and residents are able to make comments on planning applications that are considered within the written report.

6.12.10 With regards to the concerns regarding the rubbish around the site, it is noted that there is no dedicated bin store within this application. However, it is not considered necessary to require this provision given the scale of the development and the existing domestic use of the building. This can be managed by the landlord.

6.13 Well-Being of Future Generations (Wales) Act 2015

6.13.1 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.

6.14 Conclusion

6.14.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The net biodiversity enhancement measures shall be installed in accordance with the details shown on Drg No 2326/01A within one month of the development hereby approved being brought into beneficial use and retained as such in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

4 The property shall not be occupied by more than 8 persons at any one time.

Reason: to avoid an unacceptable intensification of the use and in the interests of the living conditions of neighbouring occupiers.