

**Application Number:** DM/2021/01562

**Proposal:** Change of use from C3 (dwelling) to C4 (HMO)

**Address:** Plot 5, Lower Hardwick, Hardwick Hill, Chepstow

**Applicant:** Mr Adam Vers

**Plans:** Floor Plans - Proposed FF Plan - , Floor Plans - Proposed GF Plan - , Site Plan - , Location Plan - , Elevations - Proposed Elevations - Bat and Bird Boxes

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young

Date Valid: 15.09.2021

**This application is presented to Planning Committee at the request of the Local Member, Councillor Paul Pavia**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

Plot 5 Hardwick is a modern, recently completed eco-dwelling. It occupies a triangular shaped plot between Hardwick Hill Lane and the A48. The land slopes down in an easterly direction. The two-storey dwelling is finished in timber cladding with a turf (green) roof. The majority of glazing is on the eastern elevation. The site is surrounded by a low-level natural stone wall. There is an existing vehicular access from Hardwick Hill Lane and off-road parking provision within the site. The site is located within the Chepstow Conservation Area, the Development Boundary and is within an Air Quality Management Area.

#### 1.2 Value Added

Biodiversity Enhancements have been added.

#### 1.3 Proposal Description

The application seeks the conversion of the property into a House in Multiple Occupation (HMO) which would provide four bedrooms and a bathroom on the first floor and a further two bedrooms and a communal kitchen/diner on the ground floor. There would be no external alterations to the appearance of the dwelling. The existing vehicular access and parking provision would be utilised. Use Class C4 would place a limit of six persons being able to live at the property at one time.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00071	Discharge of conditions 3, 5 and 8 (samples of materials, landscape scheme drawing and traffic management plan). Relating to application DC/2017/00623.	Approved	14.06.2019

DM/2019/01038	Non material amendments in relation to planning permission DC/2015/00931 (Raising the height of the roof by 300mm and minor revisions to elevations)	Approved	28.10.2019
DM/2019/01091	Change of use to a house of multiple occupation. No external alterations to the property.	Approved	08.11.2019
DM/2019/01094	Add three shower rooms (one with toilet, shower and sink, one with shower and toilet and one with shower and sink). Change of use to HMO consisting of ten rooms plus one room with no en-suite.		
DM/2020/01488	Discharge of condition no.3 of planning consent DC/2017/00623 - driveway surface material	Approved	25.11.2020
DM/2021/01365	Partial discharge of condition no.5 (landscape scheme) of planning consent DC/2017/00623	Approved	19.10.2021
DM/2021/01562	Change of use from C3 (dwelling) to C4 (HMO).	Pending Determination	
DC/2014/01485	Retention and completion of boundary wall.	Approved	28.08.2015
DC/2014/01486	Retention and completion of boundary wall and fence.	Approved	28.08.2015
DC/2017/00371	Non material amendment relating to DC/2015/00931 (Omission of basement area to unit no.3); erection of three dwellings and formation of new access.	Approved	28.06.2017
DC/2014/00251	Revised scheme to that approved by DC/2011/00505. to provide a new apartment with associated works.	Approved	24.09.2014
DC/2011/00504	One new apartment with associated works.	Approved	21.03.2013

DC/2005/00053	Conversion Of Existing Single Dwelling House Into Six Self Contained Flats.	Approved	20.06.2006
DC/2015/00932	Erection of three dwellings and formation of new access.	Approved	20.01.2016
DC/2004/01098	Erection Of One Detached Dwelling & Conversion Of Existing House Into Five Self Contained Flats	Approved	19.06.2006
DC/2008/00909	Conversion of existing house to flats, additional dwellings in the grounds.	Refused	19.01.2009
DC/2008/00908	Conversion of existing house to flats and four dwellings in the grounds.	Refused	16.01.2009
DC/2015/00931	Erection of three dwellings and formation of new access.	Approved	15.01.2016
DC/2014/00253	Revised scheme to that approved by DC/2011/00505, to provide a new apartment with associated works.	Approved	13.10.2014
DC/2011/00505	One new apartment with associated works.	Approved	13.03.2013
DC/2012/00279	Conversion of one dwelling into five flats	Approved	11.10.2012
DC/2011/00517	Modify condition 7 of approved application M12066 to extend life of permission to 19th June 2016	Approved	11.10.2012
DC/2009/00641	Conversion of existing building to apartments with associated works	Refused	08.06.2010
DC/2009/00643	Associated works in connection with three new dwellings.	Approved	08.06.2010

DC/2009/00650	One new apartment with associated works.	Refused	08.06.2010
DC/2016/01425	Non material amendment in relation to planning permission DC/2015/00931 - Separation of units 2 and 3, to be detached units with chimney in common only.	Approved	05.01.2017
DC/2011/00506	Three new dwellings with associated works	Approved	03.10.2012
DC/2011/00507	Three new dwellings with associated works.	Approved	03.10.2012
DC/2009/00649	One new apartment with associated works.	Refused	03.06.2010
DC/2009/00640	Conversion of existing building to apartments with associated works	Refused	03.06.2010
DC/2009/00642	Three new dwellings with associated works	Refused	03.06.2010
DC/2017/00853	Discharge of conditions 8 (foul drainage), 10 (materials and finishing) and 11 (details of the proposed windows and doors). Relating to application DC/2015/00931.	Approved	09.10.2018
DC/2017/00624	Construction of sustainable low energy Eco-House dwelling with landscaping and surface car parking, plus new access/egress onto Hardwick Hill Lane by part demolition of existing garden boundary wall and replacement iron railings	Approved	11.06.2018

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision

S12 LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport  
S17 LDP Place Making and Design

### **Development Management Policies**

H9 LDP Flat Conversions  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas

### **Supplementary Planning Guidance**

Chepstow Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

Monmouthshire Parking Standards (January 2013)

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

## **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.

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

#### **Chepstow Town Council - Refuse**

1. Overdevelopment of the site therefore contradictory to Policy DES1.
2. Inadequate onsite parking and ingress / egress onto a highway in an area with Air Quality issues.

**MCC Highways** – Object.

Although the application indicates that five car parking spaces can be provided to accommodate the maximum number of bedrooms/ occupancy, the highway authority recommend that five car parking spaces are provided but question whether the car parking spaces can be accessed from Hardwick Hill Lane in a safe manner. Vehicles are unlikely to be able to access and egress the parking spaces in a forward gear from Hardwick Hill Lane and any shortfall in use of the parking spaces will add to the existing parking stress experienced on the adjacent public highways particularly Hardwick Lane and Steep Street.

#### **MCC Heritage Officer - No objection**

The proposal makes no external alterations only to the change of use. The proposal is within the Chepstow Conservation Area and setting of Lower Hardwick a Grade II Listed Building. Based on the information submitted, no adverse heritage concerns on the proposed change of use.

#### 5.2 Neighbour Notification

Letters received from four addresses with the following points. Responses have been summarised as follows:

The development will increase the volume of traffic significantly, during construction and afterwards

Hardwick Hill Lane is very narrow and there is already lane/parking issues from the development, it is not suitable for emergency vehicles

Junction with A48 is extremely dangerous – this should be made one way without the additional residents, this will cause a highway obstruction.

Concerns residents were not notified of the development proposals

Concerns over increased noise from traffic and occupants

Concerns over levels of privacy

Concerns over damage to property, in particular fences

Our fence has been damaged many times during construction and this will, I feel, only continue.

We do not want multiple people living in the house. We were told this was a family house development.

The wall bordering plot 5 has been lowered which I believe is contrary to its protected status.

#### 5.3 Other Representations

None received

#### 5.4 Local Member Representations

Councillor Paul Pavia

I would like this application to be formally taken to Planning Committee please because of:

There are no other properties in this area have been converted from C3 family dwelling into a HMO, therefore it would be a substantial change of character for the area; There would be significant additional traffic pressure on the very limited road network up Hardwick Hill Lane; There would be significant additional parking pressure on the Hardwick Hill Lane and Vauxhall Lane - something I don't believe the amendments properly deal with; Concerns about the reduction in the quality of the local environment and street scene; and damage to social cohesion with higher levels of transient residents and fewer long term households and established families, leading in the long term to communities which are not balanced and self-sustaining, which as a County Council, we are looking to achieve in our development plan.

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

This is an existing residential property within the Chepstow Development Boundary. The principle of residential use is already established. There has recently been a change in legislation in Wales so that now a change of use to a House of Multiple Occupation (HMO) requires planning permission. MCC has no specific policies relating to HMOs, but Policy H9 Flat Conversion could be used as a guiding principle. Policy H9 of the LDP states that the conversion of properties into flats within town development boundaries will be permitted provided that the development does:

Not adversely affect the particular qualities of the street scene,

Will not adversely affect the qualities of the building particularly where they make a positive contribution to the characters of conservation areas

Provides reasonable levels of amenity and privacy to adjacent properties and where they ensure that car parking and service requirements are met in a manner which preserves the character and appearance of the area

Do not have an adverse impact on highway safety.

In this case there are no external physical alterations to the property and it will have no impact on the street scene. The site is located within the Chepstow Conservation area however the building has been considered in terms of design through the previous application and this change of use application does not propose any external alterations. The issue of design of the existing building is therefore not part of the consideration of this application. The proposal will not adversely affect the particular qualities of the existing dwelling as there will be no alterations, there is no requirement for additional infrastructure such as fire escapes or bin stores. There is a large area of hardstanding at the front of the property this is of sufficient size to accommodate the required parking provision. There will be no alterations to the existing vehicular access into the site or the parking provision. The proposal therefore accords with the objectives of Policy H9 of the LDP. The principle of the property being used as an HMO is considered to be acceptable. The dwelling will be used to house private tenants. The dwelling would continue to be used for residential purposes and this type of residential use is appropriate within this area and within the Chepstow Development Boundary.

## 6.2 Sustainability

Chepstow Town Centre is one of the most sustainable locations within the county with good public transport links, including bus and train services within walking distance of the site. The occupiers of this property would also be able to walk to all of the facilities within the town centre. The Local Development Plan and PPW encourages sustainable development. Furthermore, this property was built as an eco-house and as such it will be efficient to run in terms of energy consumption. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

## 6.3 Good Design and Place Making

Policy DES1 of the LDP requires that the dwelling contribute to a sense of place while its intensity is compatible with existing uses. The proposal will have no impact on the appearance of the area, there are no external physical alterations required. The dwelling will be subdivided internally to provide two additional bedrooms on the ground floor. No additional infrastructure is required externally. The garden will provide amenity space for the residents but there will be no subdivision of the garden or any additional fences or outbuildings. The site is visually prominent when viewed from the A48 within the Chepstow Conservation Area however there are no physical changes to the existing dwelling and gardens. The change of uses will have no impact on the design of the existing building, it will retain the buildings presence and not alter the street scene. The design of the proposal is respectful of the prevailing character of the area and contribute towards a sense of place. The proposal therefore accords with the objectives of policy DES1 of the LDP. PPW 11 says that good design is fundamental to creating sustainable places where people want to live work and socialise.

## **6.4 Historic Environment**

The site is located within the Chepstow Conservation Area and needs to be evaluated against policy HE1 of the LDP. Within Conservation Areas, developments should preserve or enhance the character of the area. In this case the proposed change of use will not result in any external alterations to the building so it will therefore preserve the character of the building and the conservation area. The character of the building will not be altered as a result of the change of use. The proposal will not have a serious adverse effect on views and vistas in or out of the conservation area in fact it will not alter any vistas. The setting of the listed building will not be affected by the change of use. The proposal therefore accords with the objectives of policy HE1 of the LDP as it would preserve the appearance of the conservation area. The Heritage Officer has no objection to the proposed change of use stating that "The proposal makes no external alterations only to the change of use. The proposal is within the Chepstow Conservation Area and setting of Lower Hardwick a Grade II Listed Building. Based on the information submitted, no adverse heritage concerns on the proposed change of use."

## **6.5 Impact on Amenity**

Plot 5 Hardwick is surrounded by residential development. To the north-west of the site, on the opposite side of Hardwick Hill Lane are four residential properties Apeldoorn, Glanmor, Alwyn and Hafan, these are one and two storey dwellings that face onto Hardwick Hill Lane and the application site. These properties have long front gardens and are set at least 27 metres from the boundary of Plot 5, they are also set at a higher level. The proposed change of use does not involve any additional window or door openings so there will be no increase in overlooking as a result. The application seeks to change the arrangement from a potential family of 6 occupying the property to six separate individuals. It is considered that there is no direct correlation between family association and the increase in noise from the property. The level of occupation, six individuals, is not considered to be an intensification of use that would directly relate to noise disturbance over and above the existing lawful residential use.

To the west of the site are the residential dwellings of Little Hervells, these have recently been constructed but are currently unoccupied. There is a current application for a change of use of no 2 into an HMO. Again, the way the HMO is occupied will make little material difference to the occupiers of these new dwellings in terms of noise and disturbance. Lower Hardwick, to the west is a Grade II Listed Building, it is the host dwelling for the new development of Little Hervells. Lower Hardwick house has been operational for a number of years as an HMO for up to 13 individuals. In 2019, following a change in legislation Little Hardwick was granted planning permission to operate as an HMO (use class C4). The proposed change of use for all three of these dwellings will help to provide a variety of housing types offering more choice to tenants in Chepstow. The HMO will be used as a residential property, not unlike the surrounding residential properties. The proposal accords with the objectives of policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties. The proposal will not result in any additional overlooking or loss of privacy and any increase in disturbance will be only minimal at most.

## **6.6 Highways**

### **6.6.1 Sustainable Transport Hierarchy**

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located close to the centre of Chepstow within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the county and the occupiers of these dwellings will be less reliant on the car to go about their daily business.

### **6.6.2 Access / Highway Safety**

There will be no alterations to the vehicular access into the site. The Highway Authority has raised concerns over the access arrangements into the site. Planning permission was granted for the dwelling on this site in November 2018, DM/2017/00623. At that time three car parking spaces were provided in the forecourt that enabled cars to access and egress the newly constructed access off

Hardwick Lane. The current proposal does not propose any alterations to the access, and three parking spaces is considered reasonable for this proposal given the sustainable location of this site. The applicant has supplied a vehicular tracking plan that shows how the vehicles would enter and leave the site in a forward gear.

### 6.6.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom up to a maximum of three. In this case there is parking provision for at least three cars on the site as is indicated on the submitted site plan 2168/04. Given the nature of the p[proposal where there is evidence of lower levels of car ownership and more importantly, the sustainable location of the site, the level of parking is considered acceptable. The proposal is considered to accord with the objectives of Policy MV1 of the LDP in providing adequate on-site parking.

## **6.7 Flooding**

The site is not in a designated Flood Zone according Development Advice Map (DAM) contained in TAN15.

## **6.8 Drainage**

### 6.8.1 Foul Drainage

The foul water discharges to mains drains, there will be no increase in discharge as a result of this change of use.

### 6.8.2 Surface Water Drainage

There will be no increase in the amount of hard surfaces on the site as a result of this proposal. There will be no increase in the size of the footprint of the building and no increase in the parking area. There is a large area at the front of the property which is surfaced in set paviors that provides the current parking area and this will not be altered as a result of this proposal. Rates of surface water flow will remain unchanged because of this change of use from private residential dwelling to an HMO.

## **6.9 Phosphates**

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.

## **6.10 Biodiversity**

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The proposal includes biodiversity enhancements in the form of bat and bird boxes on the dwelling. These measures have been shown on the elevational drawings and this will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning Policy Wales Edition 11. The proposal accords with the objectives of Policy NE1 of the LDP.

## **6.11 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 change of use would be minimal.

## **6.12 Response to the Representations of Third Parties and the Town Council**

Concerns were raised over the addition of an HMO being out of character with the uses within the area causing detriment to the community. The HMO use is a type of residential use that is considered to be appropriate within this predominantly residential area. It is not considered that an HMO would have detrimental impact on the amenity of the adjacent residents for the reasons identified above. It is accepted that an HMO may result in a greater turnover of residents, but this is not a material planning consideration and is not a valid reason for refusing the planning application. There are no physical alterations proposed to the property so the change of use should not affect the character of the area.

Concerns are also raised in relation to increased traffic and a lack of parking provision. These issues have been considered in the main body of the report. It is unlikely that there will be a significant increase in the number of vehicular movements as a result of this proposal over and above the current legal use. Given the very sustainable location of the site, it is often the case that parking standards can be relaxed to encourage the use of more sustainable forms of transport. There is already provision for at least three off road car parking spaces within the site and this level of parking is considered reasonable for the scale and nature of development proposed.

In addition, the proposed change of use does not propose any alterations to the existing access into the site or the parking provision and therefore the access for emergency vehicles will not be impacted by the proposal.

Concerns raised over damage to property during construction as there was damage and disruption caused during previous construction works at Little Hervells and High Trees. The current proposal does not involve any external works so there should be no more disruption resulting from construction.

A site notice was posted on the 23/09/21 and letters were sent to adjoining properties on 30/09/21.

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

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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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' wellbeing objectives set out in section 8 of the WCFG Act.

## **6.14 Conclusion**

The application relates to a change of use of the modern property from a private residential unit to a house in multiple occupation. There will be no physical alterations to the building, access or parking provision. The application relates to an existing residential property within the Chepstow Development Boundary. The principle of residential use is already established, and the proposal accords with the objectives of Policy H9 of the LDP with regards to Flat Conversions. The proposed change of use will not adversely affect the particular qualities of the street scene, will not adversely affect the qualities of the building particularly as there are no external alterations to either the dwelling or the curtilage. No additional windows or outbuildings are being proposed so there will be no change to the levels of amenity and privacy of adjacent properties.

The site is located within the Chepstow Conservation Area and needs to be evaluated against Policy HE1 of the LDP. As there are no physical alterations to the dwelling or the curtilage, the character of the conservation area will be preserved. The setting of the building will not be affected by the change of use. The proposal therefore accords with the objectives of Policy HE1 of the LDP

as it would preserve the appearance of the Conservation Area. The proposal accords with the objectives of Policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties. The proposal will not result in any additional overlooking or loss of privacy and any increase in disturbance will be only minimal at most. The site occupies a sustainable location close to the town centre. There will be no alterations to the vehicular access into the site and adequate parking would be available within the site boundary, according with the adopted parking standards and complying with the objectives of Policy MV1 of the LDP. The application is policy compliant and recommended for approval.

## **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 Biodiversity net benefit measures comprising two bat boxes and two bird boxes as illustrated on the elevational drawing submitted 03/12/21, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension.  
Reason: To ensure appropriate mitigation for protected and priority species and provide biodiversity net benefit ensuring compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.
  
- 4 The property shall not be occupied by more than six 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.

