

**Application Number:** DM/2021/01623

**Proposal:** Change of use from C3 (dwelling) to C4 (HMO) for maximum of 6 no occupants

**Address:** Little Hervells Court, 3 Hardwick Hill, Chepstow, NP16 5PT

**Applicant:** A. Vers

**Plans:** Location Plan 2155/01, Site Plan 2155/02A, Floor Plans - Proposed 1052203/PL04E

## **RECOMMENDATION: APPROVE**

Case Officer: Mr Adam Foote

Date Valid: 29.09.2021

**This application is presented to Planning Committee upon request of the Local Member**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site comprises a detached dwelling with accommodation arranged over three 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, garage and a parking area adjacent to the dwelling (as illustrated on proposed plan 2155/02A). The application site is within the Chepstow Conservation Area and within close proximity to listed buildings.

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 Phosphates Catchment Area. The application site is within an Air Quality Management Area.

#### 1.2 Proposal Description

This application seeks consent to use the property as a six-bedroom house in multiple occupation (HMO) for a maximum of six occupiers. 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)**

None.

### **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)  
Monmouthshire Parking Standards (January 2013)

## **4.0 NATIONAL PLANNING POLICY**

Future Wales - the national plan 2040  
Planning Policy Wales (PPW) Edition 11  
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:** Recommended for refusal due to: over development, parking/vehicular access issues and impact upon air quality.

**MCC Highways:** Objection on the basis of inadequate parking provision and detrimental to highway safety.

**MCC Licencing:** No reply.

**MCC Environmental Health:** No objection.

### 5.2 Neighbour Notification

This application was advertised by means of two site notices and direct neighbour consultation. One objection has been received from the public consultation raising concern due to the impact upon parking and the impact upon the highway network.

### 5.4 Local Member Representations

The Local Elected Member has requested that the application be reported to Committee raising concern over the impact of the development on the character of the area, impact upon parking/the highway network, impacts upon amenity and due to the transient nature of residents.

Please note all representations can be read in full on the Council's website:  
<https://planningonline.monmouthshire.gov.uk/online-applications/>

## **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 where there is a presumption in favour of development and the efficient

use of land is encouraged. The site is within a primarily residential area and as the proposed use is for residential accommodation no issue is raised in this respect.

Monmouthshire's LDP does not have a policy relating to HMO's nor does it have any supplementary planning guidance relating to HMO's their distribution, concentration or location. Policy H9 relates to flat conversions and whilst it is not directly applicable it is considered the closest relevant policy to establish 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 a six-person HMO would have an unacceptable impact or is contrary to the criteria within Policy H9. The development is considered to be acceptable in principle.

## 6.2 Sustainability

The application site is within the settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. The property is within 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.

## 6.3 Visual Impact

No alterations are proposed to the exterior of the property therefore the visual impact and impact upon the surrounding area would be unchanged. There would be no unacceptable impact upon the special character of the Conservation Area or the historic assets within the vicinity as a result of the development. No conflict with policies DES1 or HE1 have been identified.

## 6.4 Biodiversity

Policies GI1 and NE1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and nature of development proposed. The nature of the development is such that it would not impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the afore mentioned features and to mitigate against the effects of climate change, however, in this case there would be no adverse impact and therefore the lack of biodiversity enhancements would not be sufficient for planning consent to be withheld or for a condition requiring such amendments to be imposed. Appeal decision APP/B6855/D/21/3282747 has been given significant weight in the assessment of this element of the proposal.

## 6.5 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 dwelling house. 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, it is considered that six people could occupy the dwelling as a single family or under use class C3b without requiring planning consent which would generate the same impact in terms of the proposed use. Due to this, it is considered that the use of the dwelling for up to six occupiers is acceptable and would not prejudice the character or amenity of the area to an unacceptable degree.

## 6.6 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 and does not warrant concern.

## 6.7 Highways

The Council's Highway Officer has objected to the proposed development on the basis that there would be insufficient parking provision in line with the Council's adopted parking standards (which would require one space per bedroom) and due to the impact upon the local highway network. The parking standards require the current use as a single dwelling to provide three off-street parking spaces.

The property is of sufficient scale to easily accommodate up to six occupiers, which could occur without the need for planning consent either by the occupiers living together as a single family or the property could be used as a C3c use which allows for 'groups of people (up to six) living together as a single household to allow for those groupings that do not fall within the C4 HMO definition to be provided for, e.g. a small religious community may fall into this category as could a homeowner who is living with a lodger. Therefore, as six people could reasonably occupy this property without the need for planning permission it is considered unreasonable to insist that six off-street parking spaces are required for an HMO when only three are required for a single dwelling house. In addition, the location is considered to be highly sustainable being in walking distance of the train station, bus routes and the town centre with a wide range of services. In this instance, it is considered acceptable to reduce parking standards to encourage more sustainable forms of transport. The location is therefore considered suitable to support lower levels of parking provision in line with Future Wales and PPW 11.

PPW 11 states;

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 states;

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. The impact upon the highway network could be of an equal or greater amount from the current use or from the property being used as C3c use (as referred to above). Therefore, as the single dwelling was deemed acceptable in regards of highway safety it is not considered justified to refuse consent on this basis.

PPW11 and Future Wales both promote sustainable development stating that developments should be designed to minimise journey times and promote sustainable modes of transport to reduce the reliance upon private motor cars. The proposed HMO, is situated within walking distance of local amenities and transport links and would make efficient use of land and housing stock, therefore supporting the sustainability objectives of national policy. A 2006 appeal decision stated that "the emphasis of national policy advice is on reducing the amount of parking associated with development in order to promote sustainable travel choices and limit land take". It advises local authorities not to require developers to provide more parking spaces than they themselves wish, and to allow housing developments with limited or no off-street parking in areas with good public transport accessibility. The inspector went on to state that, "in my experience, accommodation of the kind proposed tends to attract occupiers with lower-than-average levels of car ownership", a claim that is backed by the findings of Residential Car Parking Research (2007) where it was demonstrated that tenure was a significant influence on car ownership. It stated that, "local planning authorities will wish to consider tenure carefully when developing car parking policies". The 2001 census showed how car ownership reduced dramatically from privately owned accommodation to rented properties. For example, 32% of flat owners had no vehicles, whereas this rose to 62% of those renting flats.

A further appeal for a change of use to a five-bedroom HMO in August 2008 concluded that there is no proven link between HMO occupation and an increase in car ownership. The inspector was of the view that high levels of car ownership could also arise from continued occupation of the house as a single family dwelling. Additionally, 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.

#### 6.8 Surface Water Drainage

The proposed development would not result in any additional built form or hard surfacing at the site. As such, there would be minimal impact upon flood risk, nor is there any justification to seek water sensitive design solutions.

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

Concerns have been raised over the impact of the development on the character of the area, impact upon parking/the highway network, impacts upon amenity, as there are no other HMOs in the area and due to the transient nature of residents which would be detrimental to social cohesion. Issues relating to parking, the highway network and amenity have been covered within earlier sections of this report.

Regarding the lack of other HMOs in the area, there is another property used as a 13 bedroom HMO within 40m of the application site. There is no evidence that the existing HMO has had an unacceptable impact upon the social cohesion 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 outside the remit of the Town and Country Planning Act and is not a material consideration in the assessment of this application - it should therefore not result in planning consent being withheld.

The Town Council has recommended that the application be refused due to an over-development of the plot, impact upon parking/highway safety and due to a negative impact upon air quality. These points have been addressed within the earlier sections of this report.

One objection has been received regarding the public consultation; the points raised have been covered in earlier sections of this report.

## 6.10 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.

## 6.11 Conclusion

Having regard to the policy context and nature of the development, the proposal is considered acceptable and planning permission is recommended subject to conditions.

## **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 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.