

06/P/14238(W)	Change of use from residential to hostel	WDN	04.07.2006	18.09.2006
96/P/00066	change of use of class A1 shop to additionally incorporate class A3 fish and chip shop	REFUSED	26.04.1996	16.07.1996

BACKGROUND

This application has been submitted in response to a planning enforcement investigation (ref.18/ENF/0037).

Planning permission to convert this property into 3 flats was refused in October 2016 (ref. 16/P/01072/FUL) and the associated appeal dismissed, with the Inspector concurring with a previous appeal Inspector decision, and stating that the sub-division of the property would likely result in vehicles parking on street in an area where there is already significant competition for on-street parking, which would be to the inconvenience of residents of neighbouring streets, lead to increased on-street parking in an area where roads are narrow, and pose a danger to highway safety, contrary to LDP Policies BW1 and H6.

Previous planning applications for the sub-division of the property to accommodate multiple occupants (either as a hostel, HMO or flats) have also been refused for a similar reason.

DESCRIPTION OF SITE

The application site is a three-storey end terrace house in a mainly residential area. There is an unmade lane to the side of the property, gated at its junction with Conway Road, which provides rear access to other properties on the north side of Conway Road as well as pedestrian access to the neighbouring school. In front of the junction between the lane and Conway Road are school entrance markings prohibiting waiting during Mondays to Fridays between 0830 and 1630.

DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought for the retention of the use of the property as temporary accommodation for individuals who require temporary accommodation but do not live together as a single household (a 'sui generis' use). The Council's housing department have, since December 2017, taken out a 3 year lease with the property's owner to use the property as temporary accommodation to house individuals who would otherwise be homeless, with up to 4 individuals residing there at any one time. As the individuals do not live together as a single household they do not fall under either a C3 (residential) or C4 (HMO) use class and the use is more akin to a hostel-type use in land use planning terms.

The following information has been submitted by housing officers in support of the application to retain the use :

- The Housing Team lease this accommodation from the property owner, a fixed amount paid on a quarterly basis.

- TCBC take on full responsibility for the accommodation including allocation of rooms, managing behaviour/rent and low level repairs.
- The rooms are allocated to those who meet the criteria under the Housing (Wales) Act 2014.
- A rigorous allocation policy is adhered to and an assessment of the individual's circumstances is made. A placement is made via the Temporary Accommodation Team.
- The period of time a person could stay can vary and depends upon a number of factors such as the availability of suitable move on accommodation.
- Under no circumstances will this accommodation be provided on a permanent basis.
- The tenants shouldn't be known to each other but sometimes this is unavoidable, e.g. if they attended the same school or are from the same area.
- The accommodation will not be let to more than four individuals at one time, this could be two couples or four singles or a couple and two singles.
- No care is provided as each tenant will be able to live independently.
- The layout of the accommodation itself has not been changed.
- Daily visits to the property are undertaken by the appropriate TCBC officers with a property inspection undertaken on a 4 weekly basis.

The Housing Department have advised that there is a high demand for this type of accommodation, which helps to meet an identified housing need within Torfaen. No placement is made without a full risk assessment which takes into account numerous factors such as any offending history, substance/alcohol misuse issues or other physical or mental health issues or any other concerns which may deem them vulnerable or a risk to others. Any support needs and referrals are identified prior to placement and monitored by regular visits from professional staff.

PLANNING POLICY:

Adopted Torfaen Local Development Plan (December 2013)

LDP Policy S1 - Defines the Urban Boundaries to promote the full and effective use of urban land, to allow for development to contribute to the creation of sustainable communities and define the urban area within which there is a presumption in favour of development. Land outside Urban Boundaries is within the Countryside where development is restricted.

LDP Policy BW1 - provides a detailed Borough wide General Policy on Development Proposals with criterion covering 'Amenity and Design', the 'Natural Environment', the 'Built Environment', 'Utilities Provision' and 'Design and Transport', against which all planning applications will be determined in conjunction with other relevant policies of the Local Development Plan.

LDP Policy H6 provides criteria against which proposals for the conversion, subdivision or re-use of buildings for residential purposes within the Urban Boundary will be considered.

CONSULTATION RESPONSES:

Highways And Transportation

This proposal has been the subject of previous planning appeals, the latest decision dated 18th May 2017 was that the appeal be dismissed and circumstances have not changed with regard to parking provision, school access arrangements, lack of visibility for vehicular access and on

street parking.

Access to the parking areas would be via an unmade lane which is gated at its junction with Conway Road. This provides maintenance access to the school and rear access to other properties on Conway Road. However it has very little vehicular use. It is also used for pedestrian access for the school. There are markings on Conway Road prohibiting waiting during Mondays to Fridays between 0830 and 1630.

There is extensive on street parking on Conway Road at an existing ratio of one on street space per dwelling.

I note the original red line area includes the access however the ability to use the indicated spaces at the rear of the property would be difficult as the gates would act as a deterrent to their use.

Notwithstanding the above comments, it is my understanding that the development will only be operated by Torfaen County Borough Council Housing Department and there will be a maximum of 4 people who due to their personal circumstances are unlikely to have a car.

Therefore I would not oppose the application from a highway standpoint but would wish to see the following conditions attached to any grant of approval:-

- 1.The development should be for a temporary period of no more than 2 years.
- 2.A maximum of 4 people should reside at the property at any one time.
- 3.The development should only be operated by Torfaen County Borough Council only.

Environmental Health
(noise/contam/housing)

No objections to this application.

Asset Management

I refer to your below email, I have checked and TCBC do not have any ownership in relation to this application, therefore I have no comment to make.

Dwr Cymru/Welsh Water Treharris

Welsh Water has no objection to the retention of used of the above property for temporary accommodation for individuals under the Housing Act 2014.

Emergency Planning

No reply received

Housing Officer

Housing Services support this application for the property to

be used temporary accommodation for a maximum of 4 individuals at one time.

Ward Members	No reply received
Community Council	No observations
Education	No reply received

PUBLICITY

An Article 12 Site Notice was displayed at the site and individual neighbour notification letters were sent to 18 neighbouring properties.

REPRESENTATIONS RECEIVED

3 letters of objection have been received raising the following issues:

- The Housing Department has been using this property as a hostel since January 2018. This retrospective application is due to their negligence in not applying for planning permission before commencement of the scheme.

- The owner of the property has previously applied for permission to use the house as a hostel, 06/P/14792(W) and 06/P/14238(W) which were turned down. The proposal by the Council is for virtually the same thing.

- Further applications 16/P/00098; 08/P/00259(W) and 16/P/1072/FUL were for multiple occupation and dismissed. This is again for use of the premises as a HMO. If the Council are allowed to do this, there is nothing to stop the owner of the property doing the same once his arrangement with the Council ceases. The Council should cease this arrangement.

- This late application by Torfaen's own Housing department, 10 months or more after the use of the property effectively changed, does not reflect well on Torfaen CBC.

-We became aware that the property appeared to be occupied at the end of 2017/ beginning of 2018. We experienced this as a generally positive development because the property had not been looked after for so long and had come to look terribly neglected. In February 2018, I asked whether Torfaen CBC had taken ownership of the property or were renting/leasing it in some fashion, as it appeared as though the property now served as a hostel. The answer I received was that Torfaen CBC had no links with the property. Clearly, I was given incorrect and untrue information.

- It is positive that Torfaen Housing are providing temporary accommodation to people who find themselves at risk of homelessness. Of particular importance for the success of such a scheme is undoubtedly the regular support and oversight that the housing department are providing. Furthermore, it is good to know that there is accountability and that residents are vetted as to their suitability. For example, the property is directly adjacent to a Primary School. We would hope that the property is never used for individuals on remand for violent offences, those who are subject to SOPO in relation to children or individuals with severe mental health or alcohol/drug misuse issues who are not responding well to community based intervention and

supervision.

- There have been a few occasions when a female adult sped up Conway Road at extremely high speed only to come to a screeching halt in front of 14 Conway Road, screaming, shouting and ferociously seeking the attention of a male adult resident at the house which then resulted in heated, threatening and aggressive verbal exchanges between the pair. Had we known at the time that Torfaen Housing are in fact actively involved in the running of the house, we would have reported this to the relevant officers so that the officers could have given suitable advice and support to the resident.

- While we would not want to unsettle the people who are finding sanctuary and accommodation at 14 Conway Road, we strongly object to the property being approved as a hostel or provider of temporary accommodation on a permanent basis or in perpetuity.

- Without structured supervision, support and accountability, the property could potentially be filled (and overfilled) with any number of people. Temporary residents could be exploited by a profit-orientated future landlord; the upkeep of the property could become compromised and anti-social behaviour could become a real burden for local residents.

- The property is adjacent to a Primary School and very near another Primary (Padre Mio). Without thoughtful vetting of any potential temporary residents, many of whom might be temporarily or permanently vulnerable themselves, the risks could become unmanageable.

- There remains the perennial issue of car parking. The property is approved as a single occupancy residential property; previous applications to change this to multi-occupancy have failed largely due to a lack of safe and appropriate parking provisions. This remains unchanged.

- I am amazed that this has come to planning again when the appeal was turned down in 2006 and there have been 4 other applications and appeals to change this into a multi-residential property, mainly on the grounds of no off-road parking. This situation has not changed.

- We have had very few problems with the people who have been housed there since September, though there have been two disturbances in that time. Because of the very nature it is a hostel this situation can change at any time with different people living there.

- I find it strange that the residency has a regular cleaner and a social worker in attendance, surely TCBC does not offer this service to every resident in their properties?

- I was going to take this further, given the history of this place but unfortunately became ill and did not pursue it. I feel there is something underhanded going on here.

ASSESSMENT AND CONCLUSION

This application site is located within a predominantly residential area within the urban area. Therefore, the principle of a residential use in this area is considered to be acceptable. As stated above an application to convert the property into separate flats was refused and dismissed at appeal in 2017, for car parking/highway safety reasons, with a previous application also refused and dismissed at appeal for a similar reason. The Housing Department, having worked closely with Environmental Health Officers to source and licence suitable accommodation to temporarily house homeless individuals or couples, appear to have overlooked the separate requirement for planning permission as they would not be living

together as a single household. As the property is managed by the Housing Department it is exempt from the Housing in Multiple Occupation ('HMO') licencing requirements, which is where the confusion with the planning requirements appears to have emanated.

The main considerations with regard to this proposal is therefore whether adequate parking and access arrangements can be provided, whether this proposal will have an adverse impact on the residential amenities of the occupiers of adjacent dwellings; whether this proposal will have an adverse impact on the character of this area; and whether there are any other material considerations that need to be taken into consideration.

LDP policy H6 supports conversion of existing residential properties within the urban boundary to provide additional residential accommodation subject to a number of criteria:

- (a) the proposals will not adversely impact on the character and amenity of the area,
- (b) the existing property is capable of accommodating the new use without substantial extension, and
- (c) the site does not have adequate car parking provision.

In dismissing the previous appeals more than one Planning Inspector has stated that the likely increase in on-street parking as a consequence of the sub-division of the property into separate flats would be an inconvenience to existing residents and could also pose a danger to highway safety. This issue has not been satisfactorily addressed. The property has inadequate off street parking provision and a substandard access which cannot be overcome given the constraints of the site.

However, unlike the previous, unrestricted uses as a hostel or separate flats, the current application is materially different in that the Council's Housing Department has full management responsibilities, having taken out a 3 year lease with the landowner in December 2017. The Housing Department have advised that, once the lease is terminated it is the Housing Department's responsibility to find suitable alternative accommodation for any individuals still being housed at that time, with the property then being handed back to the owner as an empty dwelling with no occupants. The current exemption under the HMO licencing arrangements will therefore cease on expiry of the lease and the vacating of the property. Given the temporary and very transient nature of the occupation, which is supervised by the Housing Department, and given that there will be no more than 4 persons at any one time, it is considered that the likelihood of a high car-owning ratio will be low and can be absorbed within the obvious physical constraints of the site in the short-term given that the lease expires in December 2020. The lawful use of the building as a C3 family dwelling itself would likely generate a minimum of 2 cars and in all probability more than the current proposal as homeless occupants are unlikely to have the means or opportunity to maintain the costs of owning their own vehicle.

With regard to the impact of this proposal on the character of this area. The proposed use is residential in character and the surrounding area is characterised by relatively high density residential single dwellings. Whilst this proposal does intensify the use of this property, it is large enough to accommodate multiple occupiers without being extended. Furthermore it is considered that as the existing area is characterised by relatively high density housing, the conversion of this property from a single dwelling into a hostel-type use that is managed by the Local Authority will not adversely affect the character of the area. With regard to the past incidences of disturbance identified in the third party comments, it would appear that these have been isolated incidences from a person(s) known to but not residing at the property and the Housing Department have advised that they have powers under their licence agreement to enforce any breaches of their requirements. Part of the occupants' licence agreement is that

they are responsible for themselves and any visitors to the property, who are not permitted to stay overnight. There are, therefore, other powers available to the Council to deal with any complaint received from local residents in the area, and which can result in occupants being moved on by the Housing Department when serious breaches are identified.

Whilst the Housing Department are insistent that this is not a hostel use, from a land use planning perspective it has to be treated as such as the type of use does not fit within any other definition. Notwithstanding the safeguards that exist whilst the property is managed by the Housing Department, and due to the highway safety concerns identified above it is not recommended that this use be retained in the longer term. An unrestricted hostel use would exacerbate existing sub-standard parking and access difficulties and be harmful to the residential amenity of neighbouring properties.

Therefore given that the housing department currently has 2 years left of its lease with the landowner it is recommended that a temporary 2 year planning permission only be granted so that, in the longer term, the property reverts to its lawful use as a C3 dwelling which, given the planning history, appears to be the most appropriate land use for this site. It is considered that the TCBC control over the site is a material consideration that weights in favour of a personal permission being given, as opposed to a further refusal of planning permission, as the Council is in control of the type and number of occupiers which would not be the case if an unfettered planning permission were to be granted.

It is therefore recommended that, subject to a number of strict controls to limit the operation of the use to that applied for, a temporary 2 year planning permission be granted.

RECOMMENDATION: Approve with Conditions

CONDITIONS:

- 1 Unless otherwise specified by another condition of this Notice, the development shall be carried out in accordance with the following approved plans and documents: Existing ground floor, first floor and second floor layout plans, the 'Additional Information' and 'Management Process' supporting information and TCBC lease details, all received on 5 July 2018 and the AMENDED application form and red-edged site location plan received on 23 August 2018.

Reason: To ensure the development is carried out in accordance with the approved details. Any material alteration to the approved details may have an impact that has not been assessed.

- 2 The use of the property hereby permitted shall be discontinued in its entirety and the land/building shall be restored to its former use as a C3 residential dwellinghouse on or before 12th December 2020.

Reason: The use of the building in multiple occupation is not considered suitable because of inadequate car parking and the associated highway safety danger and inconvenience to other residents.

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

Reason: To minimise the inconvenience of there being inadequate car parking, in the interest of highway safety and the residential amenity of neighbouring properties.

- 4 The use hereby permitted shall be carried out only by Torfaen County Borough Council, using its powers under the Housing (Wales) Act 2014, and shall not endure for the benefit of the landowner.

Reason: The specialist nature of this use is a material consideration in granting of this application which would otherwise be refused because of inadequate car parking.

INFORMATIVES:

- 1 Torfaen Local Development Plan covers Torfaen County Borough. The following policy/policies is/are relevant to the consideration of this application: S1, BW1 and H6
- 2 Your attention is drawn to the temporary nature of this planning permission and the expiry date of 12 December 2020.

Mrs Claire Hall

Appendices	None
Background Papers	Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report. Planning Application File: 18/P/0476/FUL

For a copy of the background papers or for further information about this report, please telephone: Richard Lewis, Head of Development Management (Tel. 01633 647628)