

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4TH SEPTEMBER 2024.**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **FULL APPLICATION – CHANGE OF USE TO 5 NO BEDROOM 6 NO PERSON HOUSE IN MULTIPLE OCCUPATION (HMO)**

APPLICATION NUMBER: **FUL/000337/24**

APPLICANT: **MRS J KING**

SITE: **13 ROWDEN STREET,
SHOTTON,
DEESIDE**

APPLICATION VALID DATE: **22ND MAY 2024**

LOCAL MEMBERS: **COUNCILLOR S BIBBY**

TOWN/COMMUNITY COUNCIL: **SHOTTON TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST TO ENABLE THE IMPACT OF THE DEVELOPMENT ON THE LIVING CONDITIONS OF OCCUPIERS OF NEARBY PROPERTIES TO BE ASSESSED.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application proposes the change of use of 13 Rowden Street, Shotton a 4-bedroom terraced property to a 5 No bed ,6 No person House of Multiple Occupation (HMO)

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING: -

- 2.01
- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
 - 2 The development shall be carried out in accordance with the following approved plans and documents.
 - Application Form
 - Location Plan
 - Site Plan
 - Existing / Proposed Elevations 1017/1
 - Proposed Floor Plans 1017/3
 - 3 The HMO hereby permitted shall be occupied by no more than 6 persons.
 - 4 The building shall not be brought into use until a drying area and cycle storage have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority.
 - 5 No development shall commence until a scheme of biodiversity net benefit to incorporate bird nesting boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a timetable to be approved in accordance with the approved details or any agreed variation therefrom

3.00 CONSULTATIONS

- 3.01 **Councillor S Bibby (Local Member):** Request Planning Committee determination. Preliminary concerns relate to overdevelopment along with impact to amenities /character and parking of the area.

Shotton Town Council: Object to the application on the grounds of over saturation and parking issues.

Highways Development Control: Raise no objection to the proposal and do not intend to make a recommendation on highway grounds.

Community and Business Protection (Pollution Control):
No objection.

Community and Business Protection (Housing Standards):
No objection.

Airbus: No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Neighbour Notifications were sent to 43 neighbouring and nearby properties. The application was also publicised by way of a Site Notice displayed near the site.

Three letters of objection received, the main points of which can be summarised as follows:

1. Proposal would lead to overdevelopment and proliferation of HMO'S in Rowden Street.
2. Detrimental impacts on the living conditions of occupiers of nearby residential properties.
3. Inadequacy of parking.

5.00 SITE HISTORY

5.01 No planning history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan (LDP)
STR2 – The Location of Development
STR4 – The Principles of Sustainable Development, Design and Placemaking
STR5 – Transport and Accessibility
STR13 – Natural and Built Environment, Green Networks, and Infrastructure
PC2 – General Requirements for Development
PC3 – Design
PC5 – Transport and Accessibility
HN7 – Houses in Multiple Occupation.

Supplementary Planning Guidance Notes (SPGN)

SPGN2 - Space Around Dwellings
SPGN11 – Parking Standards

National Planning Policy

Planning Policy Wales (PPW) – Edition 12
Future Wales: The National Plan 2020-2040
Technical Advice Note (TAN)12: Design
Technical Advice Note (TAN) 18: Transport

7.00 PLANNING APPRAISAL

7.01 This is a full application for the change of 13 Rowden Street, Shotton an existing 2 storey 4 No bedroom terraced dwelling located on the eastern side of Rowden Street, Shotton approximately 60m to the south of its junction with Chester Road West into an HMO.

7.02 By way of the background history, the property in 2009, obtained a licence issued by the Environmental Health Department, to allow it to be used as an HMO for occupation by four persons. Whilst this change would not have required planning permission at the time, there are no planning records of the property being occupied as an HMO in the intervening period, the applicant advising that the property has been vacant since 2023.

7.03 Proposed Development

The application proposes the change of use of an existing 4 No bedroom property (Class C3) into a 5-bedroom, 6 person Class C4 HMO (House in Multiple Occupation).

Although no physical alterations to the external appearance of the building are proposed in the formation of the HMO, it is proposed that the internal layout be adapted to accommodate the following:

Ground Floor: 2 No bedrooms, Shower Room, Kitchen, Dining Room, Utility Room, and Storage Room.

First Floor: 3 No bedrooms and Shower Room.

7.04 Main Issues

The main issues to be addressed in determination of this application include:

- i) the principle of development
- ii) impact upon the character and appearance of the area
- iii) impact on the living conditions of occupiers of existing / proposed residential units
- iv) adequacy of access and parking.
- v) bio-diversity net benefit

These issues are addressed in further detail below.

7.05 Principle of Development

The site is located within the settlement boundary of Shotton, which is a Tier 1 Main Service Centre in the adopted Local Development Plan (LDP). It is located almost adjacent to the District Centre boundary, where there is a broad range of services and facilities as well as public transport and local employment opportunities and is therefore in a highly sustainable location. The application proposes to continue the use of a dwelling that is located within a highly sustainable settlement for residential purposes which is acceptable in principle, in accordance with Policies STR2 and PC1, subject to meeting the criteria-based approach set out in Policies PC2 and HN7, in terms of the safeguarding of relevant development management considerations and establishing whether planning harm would arise.

7.06 Character and Appearance

There are no external changes proposed to the building, its physical appearance remaining unchanged within the street scene and comparable with that which currently exists This is considered acceptable having regard to LDP Policy PC3, and criterion a) of HN7.

7.07 Impact on Living Conditions

It is important in consideration of this application to ensure that the living conditions of future occupiers of the HMO, and occupiers of existing properties located in proximity to the site, are safeguarded. It is important to note that there is currently no formal adopted Supplementary Planning Guidance in Flintshire on the size or layout of HMOs regarding the provision of acceptable living conditions for occupiers, other than an informal advice note.

7.08 The Council's Community and Business Protection (Housing Standards Team) however apply Welsh Government minimum standards during the assessment of applications for HMO's. As a result, it is concluded that this proposal is acceptable having regard to these standards.,

7.09 The objections raised regarding the proliferation of flats and HMOs within Rowden Street and the cumulative impact of this on the character /overdevelopment within the street scene and living conditions are noted. Community and Business Protection (Housing Strategy) have interrogated their data base records and advise, that there is one existing HMO within Rowden Street with one currently awaiting inspection, it being important to note that the proposal would not lead to two HMO's being located side by side or an existing residential property being sandwiched between HMO's. As this section of Rowden Street comprises a total of 14 properties, it is not considered that its inherent character will be unduly impacted, and the proposal would not result in harm when compared with the continued use as a single family dwelling this considered acceptable having regard to criteria b, e, and f of LDP Policy HN7.

7.10 The existing property has a front garden area and linear shaped outside area located at the rear amounting to approximately 50m2 in total. This area can be accessed by occupants not only from within the dwelling, but also by pedestrians from an access to the rear. It is considered that this area is acceptable in terms of amenity / outside space having regard to serve the scale of development proposed whilst affording bin storage to the front as existing, with drying space, and cycle storage to be provided at the rear. This is considered acceptable having regard to criterion d of Policy HN7, the details being secured by the imposition of a condition.

7.11 Adequacy of Highways and Parking.

The current proposal seeks to convert a four-bedroom property into a 5 No bed HMO with no off-road parking facilities being provided.

- 7.12 Consultation on the application has been undertaken with Highways Development Control who note that there is no specific requirement in SPGN 11 – Parking Standards, which prescribes parking provision for HMOs. However, in an Appeal Decision notice for a similar application in Flintshire, the Inspector stated an estimation of 0.4 cars per flat/bed to be considered reasonable, and this is referenced in the explanatory text accompanying Policy HN7.
- 7.13 On this basis, the parking demand in connection with an existing 4 bedroom house (3 spaces) and 5 bedroom HMO (2 spaces) is comparable with that should the property remain as a single dwelling occupied by a family who all have access to a car, with there being no additional demand being placed on the adjoining highway.
- 7.14 Notwithstanding the above, the site is in a highly sustainable location where there are alternative modes of travel i.e., cycling, walking, use of public transport etc. in accordance with local and national guidance. Based on the above, there is no objection to the proposal on highway grounds.
- 7.15 Bio- diversity
Planning Policy Wales (PPW12) has confirmed the requirement for development to deliver Biodiversity Net Benefit recognising that this should be proportionate the development proposed. It is considered that for the use proposed within this urban location, that the introduction of bird boxes represent the best option, which can be appropriately located under the eaves of the building. This can be secured by the imposition of a condition.

8.00 CONCLUSION

The change of use of the premises from a single dwelling to a 5 bedroom / 6 No person HMO, is considered acceptable in this sustainable location within Shotton, which is defined as a main service centre within the Flintshire Local Development Plan. There are no external changes to the building proposed and the level of occupancy would it is considered be commensurate were it to remain as a single-family dwelling unit. Whilst acknowledging concerns over the proliferation of this type of accommodation within Rowden Street, the proposed development is considered acceptable having regard to LDP Policy HN7.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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