

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **29th MARCH 2023**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF
EXISTING PROPRTY TO A HOLIDAY
ACCOMMODATION UNIT FOR A PERIOD OF 185
DAYS PER CALENDER YEAR WITH
RESIDENTIAL USE FOR THE REMAINDER.
(PARTLY RETROSPECTIVE)**

**APPLICATION
NUMBER:** **FUL/000434/22**

APPLICANT: **MR D SCOTT**

SITE: **AROSFA, PUMP LANE,
AXTON, CH8 9DJ**

**APPLICATION
VALID DATE:** **6/9/22**

LOCAL MEMBERS: **COUNCILLOR G BANKS
COUNCILLOR G MADDISON**

**TOWN/COMMUNITY
COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS
IMPACT ON LIVING CONDITIONS OF
OCCUPIERS OF NEARBY PROPERTIES**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This full application, which is partly retrospective, proposes the change of use of an existing dwelling “Arosfa,” Pump Lane, Axton, to allow it to be occupied for a total of 185 days in any calendar year for holiday accommodation, with it being occupied as a dwelling for the remainder of the year. The application has been submitted to seek to regularise this position following enforcement investigations.

Planning permission is required as the nature of occupation of the property by large groups is not considered to fall within a single household category (C3) as defined in the Town and Country Use Classes Order and therefore requires planning permission in its own right.

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

- 2.01
1. 2-year temporary permission
 2. Register of occupiers to be kept and made available
 3. Within 1 month of date of permission a Noise Management Plan to be submitted and approved
 4. Agreed measures to be implemented within a further 1 month.
 5. Parking scheme to be submitted and approved.

3.00 CONSULTATIONS

- 3.01 **Local Member Councillor G Banks:** Request site visit and Planning Committee determination to assess impact on the living conditions of the occupiers of nearby properties.

Local Member Councillor G Maddison: Request site visit and Planning Committee determination to assess impact on the living conditions of the occupiers of nearby properties

Llanasa Community Council: Raise objections on behalf of residents, the main points of which can be summarised as follows:

1. property has been let as holiday accommodation since 2019, without planning permission.
2. property is advertised for large groups and during this period there have been incidents of anti-social behaviour which has required the police to be called.
3. property is accessed from a narrow single-track lane which is inadequate to serve both residential /holiday accommodation at this location.

Highways: No objection given the potential and comparative nature of traffic generation associated with an eight- bedroom dwelling. There is sufficient parking space available on site to accommodate predicted vehicles, however it is recommended that any permission includes a condition to secure adequate parking facilities.

Community and Business Protection: Request that any permission includes a condition to control and manage potential noise from the premises.

4.00 PUBLICITY

4.01 7 Neighbour Notifications were sent to adjoining/nearby properties. Three letters of objection have been received the main points of which can be summarised as follows:

1. inadequacy of access to serve the proposed development
2. detrimental impact on living conditions of existing residents by way of noise and anti-social behaviour.

5.00 SITE HISTORY

5.01 None -relevant

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

STR2 – The Location of Development

STR4 – Principles of Sustainable Development, Design and Placemaking

STR5 – Transport and Accessibility

STR10 – Tourism, Culture and Leisure.

PC1 – The Relationship of Development to Settlement Boundaries

PC2 – General Requirements for Development

PC5 – Transport and Accessibility

PE12 – Tourist Accommodation, Facilities and Attractions

EN18 – Pollution and Nuisance

Supplementary Planning Guidance. Notes (SPGN)

SPGN3 – Landscaping

SPGN11 – Parking Standards

National Planning Policies / Technical Advice Notes

Planning Policy Wales (PPW) – Edition 11

Future Wales: The National Plan 2020-2040

Technical Advice Note 11: Noise

Technical Advice Note 13: Tourism

7.00 PLANNING APPRAISAL

7.01 Introduction

The application site relates to an existing detached dormer bungalow named “Arosfa”, Pump Lane, Axton that is located within the open

countryside outside any settlement boundary as defined in the Flintshire Local Development Plan (LDP). The site is located approximately 0.7km north -west of Trelogan, 1.74km north – east, of Trelanwyd and 1.2km south of Llanasa.

7.02 The property shares a boundary with residential properties to the north-west, west and south- east, fronting onto a road and agricultural fields to the east. The elevated position of the site provides panoramic views of the River Dee and Wirral Peninsula to the north- east.

7.03 The stone / slate roof property has a total of eight bedrooms, and benefits from a large curtilage area, with an extensive garden area located to the rear.

7.04 Access to the site is gained off an unclassified road along the east of the property, with there being a drive and parking area sited next to the existing outbuilding which is suitable for accommodating at least eight vehicles.

7.05 Proposed Development

The application seeks retrospective permission for the change of use of the existing residential property into holiday accommodation for a total of 185 days in any calendar year.

7.06 The property has been used as a single unit of holiday accommodation since 2019 and it proposed that this continues for larger group bookings to occupy the bungalow as a single entity rather than it being split into several units. No external changes / alterations to the dwelling itself are proposed

7.07 Main Planning Considerations

The main considerations to be assessed in determination of this application include:

- i. the principle of development
- ii. impact on the living conditions of occupiers of nearby properties
- iii. adequacy of access.

7.08 Principle of Development

The principle of the use of the properties such as this for holiday accommodation is a common feature within rural locations which add to the tourism offer available and is acceptable in principle in accordance with Flintshire Local Development Plan Policy PE12. Where permission is required however, this is subject to the safeguarding of relevant development management considerations.

7.09 Impact on Living Conditions of Occupiers of Nearby Properties

It is noted that the property has been let as holiday accommodation since 2019. Third-party consultation responses advise that since this

time, there have been incidents of noise disturbance /anti-social and intimidating behaviour registered with the Police and Councils Community and Business Protection Department. These matters fall outside the remit of planning control.

- 7.10 It is understood that in the intervening period, the applicant has sought to address the concerns raised principally through the strengthening of house rules, installation of noise monitoring equipment and acoustic fencing. Consultation on the application has been undertaken with the Council's Community and Business Protection Department (Pollution Control) who advise that they are generally supportive of the measures undertaken which seek to minimise the impact of the occupation of the bungalow for holiday use, on the living conditions of occupiers of nearby properties.
- 7.11 It is however recommended by Pollution Control that these need to be secured by the imposition of a condition to ensure that these form a robust position, including for example but not mutually exclusive, additional restrictions over the hours of playing of amplified music outside, introduction of CCTV and double glazing. These issues form part of a Noise Management Plan, against which any breaches can be monitored and potentially enforced by the Council in the future.
- 7.12 From a development management perspective in looking at the timeline associated with the recent holiday accommodation use being undertaken, this has in-part coincided with limits on individuals' freedom of movement due to Covid restrictions being in place. Whilst it is understood that there have been no formally recorded instances of noise disturbance /anti- social behaviour in the intervening period, it is not possible at this stage to confirm whether the reduction in complaints associated with the occupation of the dwelling are directly attributable to a reduction in occupancy, or the incorporation of the measures undertaken.
- 7.12 In order to address any future concerns, it is therefore considered that at this stage a temporary two -year permission be granted. This will allow the full impact of the development to be carefully assessed and monitored to allow the effectiveness of the measures subsequently introduced to control behavioural patterns to be evaluated over a longer period. The applicant is agreeable to this approach.
- 7.13 Adequacy of Access
Consultation on the application has been undertaken with the Highways, who raises no objection to the development, recognising that the traffic movements associated with the proposed holiday use would be comparable to that with that associated with the eight - bedroom residential property. It is however recommended that any permission be subject to the imposition of a condition to ensure the provision /retention of adequate parking to serve the proposed holiday accommodation.

8.00 CONCLUSION

8.01 It is noted and acknowledged that there are many rural properties within Flintshire that are used for holiday accommodation purposes that satisfactorily operate having a close relationship to permanent dwellings. This is a situation that is generally supported to enhance the attractiveness of the county as a tourist destination having regard to Policy PE12 of the Flintshire Local Development Plan.

8.02 It is apparent however that there have been several instances of anti-social behaviour over recent years, emanating from occupation of the property the subject of this application for holiday use, it being considered that this is primarily as a result of the number of bedroom spaces on offer which has encouraged occupation of the bungalow by larger groups of people.

8.03 The concerns raised by residents who live near the site have been duly acknowledged by officers, and the applicant /agent who have sought to introduce mitigation /controls to secure/ improve satisfactory living conditions for the residents.

8.04 It is noted that these concerns remain, with opportunities for occupation of the property for holiday use, reduced during Covid restrictions which were in place in 2020/21. As a result, it has not been possible to fully monitor activity from the site over this period. It is therefore recommended that a temporary 2 year planning permission be granted to allow the full impact of occupation /mitigation measures that have been introduced by the applicant to be fully assessed.

8.05 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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