

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **10TH APRIL 2024.**

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

SUBJECT: **CHANGE OF USE FROM CLASS C3 (SINGLE DWELLING) TO CLASS C4 (HOUSE OF MULTIPLE OCCUPATION (HMO))**

APPLICATION NUMBER: **COU/000312/23**

APPLICANT: **J & J MERRITT**

SITE: **4 SALISBURY STREET SHOTTON**

APPLICATION VALID DATE: **31/3/23**

LOCAL MEMBERS: **COUNCILLOR S BIBBY**

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

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the change of use of 4 Salisbury Street, Shotton from a single dwelling to a House of Multiple Occupation (HMO). Amended plans have been received in the progression of the application on which further consultation has been undertaken.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION
SUBJECT TO THE FOLLOWING CONDITIONS**

- 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
 - AMENDED Planning Statement
 - Location Plan 2023/15/SLP
 - Block Plan 2023/15/BP
 - AMENDED Proposed Plans and Elevations 2023/15/PA.
 - 3 The HMO hereby permitted shall be occupied by no more than 5 persons.
 - 4 The building shall not be brought into use until a bin storage area and cycle storage have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority.

3.00 CONSULTATIONS

- 3.01 **Local Member Councillor S Bibby:** Objects for the following reasons:

1. Salisbury Street has significant issues with parking, most properties have no off-road parking facilities, this is further exacerbated by displacement from pay and display car parks, takeaway delivery vehicles and its town centre location, further subdivision of properties will likely increase the number of vehicles and increase pressure on the already strained parking situation in the street. This is contrary to criterion c of Policy HN7 of the Flintshire Local Development Plan.
2. There are currently eight properties which have either been subdivided into flats or are HMOs, I believe more properties of this nature would constitute gross overdevelopment of Salisbury Street. Many family properties are now sandwiched between HMOs or multiple flat conversions.
3. Shotton is seeing increasing numbers of these developments, terraced streets are being overdeveloped and more and more people are being accommodated. I believe the Town Centre can no longer take more development without strain and pressure on services, waste collection and parking.
4. There is great concern that such developments are rapidly changing the character of the community, family homes and houses suitable for local young families and those looking for

affordable housing are being lost to property developers many of whom are living outside the County.

5. The plans do not meet the minimum standards for a 6-person HMO, and it is very doubtful one bedroom in the plans is at least 6.5m². For 6 occupiers there needs to be 2 bathrooms plus a separate, WC which are not in the plans.
6. 6 Salisbury Street would be sandwiched between a HMO and a property containing self-contained flats. This is contrary to criterion f of Policy HN7 of the Flintshire Local Development Plan.

Shotton Town Council: Unanimously object to the proposed development and request application be refused for the following reasons:

1. Salisbury Street has significant issues with parking, most properties have no off-road parking facilities, this is further exacerbated by displacement from pay and display car parks, takeaway delivery vehicles and its town centre location, further subdivision of properties will likely increase the number of vehicles and increase pressure on the already strained parking situation in the street. This is contrary to criterion c of Policy HN7 of the Flintshire Local Development Plan.
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4. There is great concern that such developments are rapidly changing the character of the community, family homes and houses suitable for local young families and those looking for affordable housing are being lost to property developers many of whom are living outside the County.
5. The plans do not meet the minimum standards for a 6-person HMO, and it is very doubtful one bedroom in the plans is at least 6.5m². For 6 occupiers there needs to be 2 bathrooms plus a completely separate, WC which are not in the plans
6. 6 Salisbury Street would be sandwiched between a HMO and a property containing self-contained flats. This is contrary to criterion f of Policy HN7 of the Flintshire Local Development Plan.

Highway Development Control: Do not raise an objection on highway grounds.

Community and Business Protection

Pollution Control: No adverse comments

Community and Business Protection

Housing Standards: No objection following the submission of amended plans reducing the number of proposed occupants to a maximum of 5

Natural Resources Wales: No objection

Airbus: No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Neighbour Notifications were sent to 23 No neighbouring and nearby properties. The application was also publicised by way of a site notice, displayed near the site.

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

1. Inadequacy of parking to serve the proposed development.
2. There is already a proliferation of flats and HMO's, within Salisbury Street
3. Proposal would have a detrimental impact on the character of the locality.
4. Proposals do not meet space standards.

5.00 SITE HISTORY

5.01 No planning history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
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 4 Salisbury Street, Shotton an existing 2 storey 3 bedroom terraced dwelling located on the eastern side of Salisbury Street, approximately 35m from its junction with Chester Road West..

Proposed Development

7.02 The application proposes the change of use of the existing 3 No bedroom property (Class C3) into a 4-bedroom Class C4 HMO (House in Multiple Occupation).

7.03 Although no physical alterations to 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: Living room, dining room, kitchen and utility/wc.
First Floor: 4 No bedrooms (1 double)

7.04 Amended plans received in progression of the application propose that the number of occupants be reduced to 5 from 6 that were initially proposed. Consultation has taken place on the amended plans.

Main Issues

7.05 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.

These issues are addressed in further detail below.

Principle of Development

7.06 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.

Character and Appearance

- 7.07 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..

Impact on Living Conditions

- 7.08 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.
- 7.09 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.
- 7.10 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, following a reduction in the number of proposed occupants to 5 persons which make it acceptable having regard to this guidance.
- 7.11 The objections raised regarding the proliferation of flats and HMOs within Salisbury 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 data base records and advise, that whilst these indicate that there are 3 No HMOs within Salisbury Street, the proposal would not lead to 2 No HMO's being located side by side or an existing residential property being sandwiched between HMO's. As Salisbury Street comprises a total of 54 properties, it is not considered that its inherent character will be unduly impacted, the proposal is therefore considered compatible with the continued use of the dwelling as a single-family dwelling,

and acceptable having regard to criteria b, e and f of LDP Policy HN7.

- 7.12 The existing property has an L-shaped outside area located at the rear, amounting to approximately 50m². 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 also affording bin storage, drying space, and cycle storage to be provided. This is considered acceptable having regard to criterion d of Policy HN7, the details being secured by the imposition of a condition.

Adequacy of Highways and Parking.

- 7.13 The current proposal seeks to convert a three-bed property into a 4 bed HMO with no off-road parking facilities being provided.
- 7.14 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.
- 7.15 On this basis, the parking demand in connection with an existing 3 bedroom house (2 spaces) and 4 bedroom HMO (1.6 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.
- 7.16 Notwithstanding the above, the site is in a highly sustainable location and the applicant has confirmed all occupants will be vetted to ensure they do not own a private vehicle. This further promotes 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.

8.00 CONCLUSION

The change of use of the premises from a single dwelling to a 4 bedroom / 5 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 Salisbury 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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