

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **22<sup>ND</sup> APRIL 2015**

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

**SUBJECT:** **FULL APPLICATION – CONVERSION AND ALTERATIONS OF ADJOINING BUILDINGS TO FORM 4 NO. HOLIDAY FLATS AND CHANGE OF USE AND ALTERATIONS TO FIRST FLOOR LIVING ACCOMMODATION TO FORM ADDITIONAL 1 NO. HOLIDAY APARTMENT AT MAES Y DELYN, RHEWL, HOLYWELL.**

**APPLICATION NUMBER:** **053146**

**APPLICANT:** **MRS KAY RONEY**

**SITE:** **MAES Y DELYN, RHEWL, HOLYWELL**

**APPLICATION VALID DATE:** **21.01.15**

**ACTING LOCAL MEMBER:** **COUNCILLOR CAROLYN THOMAS**

**TOWN/COMMUNITY COUNCIL:** **MOSTYN**

**REASON FOR COMMITTEE:** **APPLICANT IS MARRIED TO AN ELECTED MEMBER OF THE COUNCIL**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 This is a full planning application for the conversion of an existing outbuilding and ancillary building to form 5 holiday lets at Maes y Delyn, Rhewl, Mostyn. It is considered that the proposed conversion of the outbuildings to holiday accommodation complies with policy T3 of the Flintshire UDP and national policies on tourism. The issues in relation to private amenity space and overlooking can be mitigated by

conditions as set out above.

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

- 2.01
1. Time Commencement
  2. In accordance with plans
  3. Holiday Occupancy condition
  4. Closure of window on rear elevation
  5. New first floor opening to open from right only
  6. Details of new windows and doors
  7. Landscaping
  8. Maes y Delyn and Holiday lets to be in same ownership/occupied by manager
  9. Parking for 7 vehicles
  10. Foul drainage
  11. Surface water and land drainage
  12. Photographic survey
  13. Bat and swallow mitigation
  14. Access to have visibility splay of 2.4m x 43 m in both directions
  15. Access to be 4.5m in width for 10m within the site
  16. Access layout in accordance with standard detail with gates 4.5metres back

**3.00 CONSULTATIONS**

3.01 Acting Local Member  
Councillor C Thomas

Considers the proposed condition to tie the holiday lets to the dwelling is an acceptable way of moving forward with the application.

Mostyn Community Council

No response received at time of writing.

Head of Highways Development Control

No objection subject to conditions covering;

- Access to have visibility splay of 2.4m x 43 m in both directions
- Facilities to be provided for the parking of 7 vehicles
- Access to be 4.5m in width for 10m within the site
- Access layout in accordance with standard detail with gates 4.5metres back

Public Rights of Way

Public Footpath 108A abuts the site but appears unaffected by the development.

Head of Public Protection

No adverse comments to make.

#### Welsh Water/Dwr Cymru

No objection subject to standard conditions relating to foul and surface water drainage.

#### The Coal Authority

The application site falls within a high risk area. There are coal mining features and hazards which should be considered as part of the development proposals. Records indicate that the site has been subject to past coal mining activities which would include the zone of influence of a recorded mine entry which extends into the north eastern part of the site. However as this is an application for conversion only and no new build is proposed that intersects the ground which could present a risk to the coal mining features, it is not considered that a Coal Mining Risk Assessment is necessary for this proposal. No objection is raised however an Informative should be issued.

#### Clwyd Powys Archaeological Trust

The development appears to have limited sub-surface archaeological implications however the proposals will affect the stables outbuilding attached to the former Swan Inn which are of late 189<sup>th</sup> -19<sup>th</sup> Century. It would be unfortunate if this building was now converted without a record of its current architectural style and layout. Request a condition requiring a photographic survey.

### **4.00 PUBLICITY**

#### 4.01 Site Notice and Neighbour Notification

8 objections on the grounds of;

- Noise and disturbance from comings and goings
- Increase in traffic
- Overlooking from the proposed window into the rear garden and property
- Holiday lets should not be so close to a residential property
- Strain on sewage system
- Holiday accommodation is not needed in this area
- There are no facilities in the village for visitors
- Sufficient holiday accommodation along the coast

### **5.00 SITE HISTORY**

5.01 049564 Change of Use from Public House to Dwelling 30.05.12.

### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR6 - Tourism  
GEN1 - General Requirements for Development  
D1 – Design Quality, Location and Layout  
D2 – Design  
WB1 – Species Protection  
AC13 – Access and Traffic Impact  
AC18 – Parking Provision and New Development  
T3 – Self Catering Tourist Accommodation  
T8 - Holiday Occupancy Conditions

The application is in accordance with the above policies.

TAN 13: Tourism – states “*Circumstances may arise when the Council will grant planning permission for the conversion of buildings in rural areas into holiday accommodation where the proposals would not be acceptable for permanent residential use. In such circumstances holiday occupancy conditions will be imposed on new tourist accommodation to prevent the use of the building as a permanent residence.*”

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the conversion of an existing outbuilding and ancillary building to form 5 holiday lets at Maes y Delyn, Rhewl, Mostyn.

### **7.02 Site description**

The outbuildings are attached to the dwelling of Maes y Delyn which was formally the Swan Inn. Planning permission was granted on 30<sup>th</sup> May 2012 (049564) for the conversion of the public house into a dwelling. The property is situated in the village of Rhewl, Mostyn in a predominately residential area.

7.03 The site is bounded to the west, south and east by existing residential properties. To the north the site is bounded by the main road through the village. The dwelling of Maes y Delyn is set back from the main road by a grassed area which now forms part of the front garden to the dwelling and the former car park of the public house. The site is open and highly visible from the road. There is an existing vehicle access into the car parking area at the front of the property and a separate driveway to the east of the house. The outbuildings are attached to the house to the west and continue in an L-shape to the south referred to as the stables. The outbuildings form a boundary with the adjacent residential property Swanfields to the west.

7.04 There is a public footpath 108A running through the site adjacent to the access to the east. This has been fenced off as part of the previous planning application.

7.05 Proposed development

It is proposed to convert the outbuildings into 5 one bedroom holiday lets. The original application included the provision of a two bay car port at the front of Maes y Delyn and a shed in the rear garden with washing and drying facilities. Following concerns raised about these matters the car port has been removed from the application and the washing and drying facilities have been removed from the shed. The shed is now proposed to be used for storage and a seating area. A Structural Survey and Ecological Survey have been submitted with the application.

- 7.06 The outbuildings were previously used ancillary to the pub use for bottle storage, beer cellar and pool room. The buildings would be converted to create two ground floor units within the stables, one with a mezzanine provision, two ground floor units within the ancillary buildings and one unit within the existing residential unit as a flat on the first floor. It is proposed that one of the ground floor units would be wheel chair accessible.

Principle of development

- 7.07 The application site is situated within the village of Rhwel, Mostyn and seeks the conversion of existing buildings within the boundary of a Category C settlement. Policy T3 'Self Catering Tourist Accommodation' is the relevant policy of the UDP against which to assess the proposal. This policy seeks to improve the provision and range of permanent, quality tourist accommodation whilst not increasing the pressure on existing housing stock in rural areas.

- 7.08 The policy states that "*New self-catering tourist accommodation will be permitted within defined settlements, provided that in all cases the development must comply with four criteria set out below;*

- 7.09 a) *be appropriate in terms of scale, type and character to the building and site and its location and setting*

The site is in a residential area and was formally a public house prior to its conversion to a dwelling. It is proposing to convert the existing outbuildings which are attached to the current dwelling into 5 one bed units. No extensions are proposed. Limited new openings are proposed and it is considered the conversion would not be of detriment to the character of the building. A car port was proposed in the front of Maes y Delyn in the car park but this has been removed following concerns about its scale and impact on the street scene.

- 7.10 7 parking spaces are proposed within the car parking area at the front of the property. 5 of these would be for the holiday lets with 2 the dwelling of Maes y Delyn. There is also further provision to park cars to the east of the existing dwelling however the applicants have stated this area will be reserved for residents to drop off luggage only. It is therefore considered that there is

sufficient parking within the site for the scale of the proposal in accordance with Council Standards.

- 7.11 b) *not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community in general;*

Residents have raised concerns over the impact of the proposed units on residential amenity due to the increased activity. The site was formerly a public house and the garden area to the rear was frequented by patrons of the public house. Its former use would have historically had an impact on the residential amenity of the neighbouring properties. The holiday lets would access the units from the rear and park at the front of the property. Generally the movements from a holiday let would be less than a residential property as holiday makers would be out for the majority of the day and it would be unlikely there would be full occupation of all 5 units for the whole year. The units are all one bedroom and the applicants wish to cater for couples. It is therefore considered the impact on adjacent residents would be limited from the activity generated from the units.

- 7.12 The proposed shed in the garden was proposed to be used for washing facilities, however concerns were raised about the noise of such activities in the proposed type of building and impact on the amenity of residents, so these facilities have been removed and this is proposed as a store and seating area only.

- 7.13 It is proposed to insert a window at first floor level in the stable building in order to meet Building Regulations and to utilise the first floor roof space of the building. Concerns were also raised during the course of the application about overlooking, particularly from the proposed first floor window into the adjacent residential property 17 Maes Alarch and impacts on privacy. As a result of these concerns the proposed first floor window has been relocated further to the east to reduce the potential for overlooking and it has been agreed that the window would open only from the right to further reduce the opportunities for overlooking.

- 7.14 There is an existing window on the rear elevation of the building which was recently discovered after vegetation removal. This will be blocked up as part of the conversion to prevent any overlooking into the garden of the adjacent property.

- 7.15 Concerns have also been raised regarding drainage, however Welsh Water have raised no objections and it is considered the flows generated by the previous public house use would have been greater or similar to that proposed by the new units.

- 7.15 c) *where appropriate, be accessible by a choice of modes of travel, particularly by foot, cycle or public transport; and*

The application site is in the village of Rhewl and the intention is to market the holiday lets to those seeking walking holidays. A public footpath runs adjacent to the site which links into the wider network and from the Coast Road there is the Coastal Path. There is an infrequent bus service No 18 (2 hourly) from Flint- Holywell - Prestatyn-Rhyl stopping outside Maes y Delyn, however there are more frequent bus services which operate along the main coast road. There is no train station locally, although this could be reached via the aforementioned bus service in either Flint, Prestatyn or Rhyl. The site is therefore accessible by public transport.

7.16 d) *not have significant adverse impact on features or areas of landscape, nature conservation or historic value.*

There are no features of landscape or nature conservation. The buildings are not Listed. An ecological survey of the outbuildings was submitted with the application.

7.17 The inspection revealed the presence of approximately 10 bat droppings none of which were fresh on the ground floor of the southern half of the building. The species of bat could not be identified from the droppings.

7.18 European Protected Species (EPS) and their breeding sites and resting places are protected in the United Kingdom under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12 of the Habitats Directive 92/43/EEC. The Directive (Article 16) only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is;

- i. no satisfactory alternative and
- ii. no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.19 Regulation 9 (1) and 9 (5) of the 2010 Regulations requires public bodies in the exercise of their functions, to ensure compliance with and to have regard to the provisions of the Habitats Directive. Consequently, in determining planning applications which may affect EPS, the Local Planning Authority must take account of the provisions of the Habitats Directive.

7.20 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated:

“It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) [now regulation 53 of the 2010 Regulations] licence are likely to be satisfied.”

- 7.21 The buildings are within a settlement boundary and their reuse for economic benefit for holiday accommodation is in the public interest for both social and economic reasons. The buildings are also in a sustainable location in a village centre and their reuse for economic benefit supports the principles of PPW. The submitted ecological report recommends a suitable scheme of mitigation following a further emergence survey at the appropriate time of year. Several swallow nests both old and from the previous breeding season were located on roof timbers throughout the building. As the roof space is being utilised for the holiday accommodation this will be lost for use by bats and swallows, however external mitigation can be provided in form of boxes or alternative nesting sites in the proposed shed outbuilding. The bat and swallow mitigation can be dealt with by condition.
- 7.22 The reasoned justification to UDP policy T3 refers to circumstances which may arise when the Council will grant planning permission for the conversion of buildings in rural areas into holiday accommodation where the proposals would not be acceptable for permanent residential use. In such circumstances holiday occupancy conditions will be imposed on new tourist accommodation to prevent the use of the building as a permanent residence.
- 7.23 Although this site is in a settlement boundary, under Policy HSG3 any permanent residential use would need to meet a defined local need as it is in a Category C settlement. This settlement is also over its 10% limit. The issue over private amenity space would also be an issue for permanent residential use, therefore it is seen to be appropriate to apply a condition limiting the use of the 5 units to holiday purposes only and tying the management of them to the occupier of Maes y Delyn. This therefore prevents the holiday lets being used as a permanent residence and also prevents them from being sold off separately to the dwelling.
- 7.24 The Structural Survey states that the buildings are suitable for conversion into habitable rooms. As part of the detailed design stage the existing roof rafters and purlins require analysis to ascertain their capacity for any additional loadings. The finished floor levels of the ground floor require careful consideration as to avoid any undermining of the existing walls. The timber lintels over openings should be replaced with appropriately sized precast lintels. Vegetation should be cleared back from the building and subsequent areas of masonry may require re-pointing. Lime mortar should be adopted for all remedial



and re-pointing works. These are detailed matters which would be dealt with through Building Regulations.

## **8.00 CONCLUSION**

8.01 It is considered that the proposed conversion of the outbuildings to holiday accommodation complies with policy T3 of the Flintshire UDP and national policies on tourism. The issues in relation to private amenity space and overlooking can be mitigated by conditions as set out above.

8.02 In considering this planning application 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.

### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** Emma Hancock  
**Telephone:** (01352) 703254  
**Email:** emma\_hancock@flintshire.gov.uk