

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND FEBRUARY 2017**

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

SUBJECT: **APPEAL BY MR. R. HILL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF VACANT POLICE HOUSE (FORMERLY A DWELLING) INTO A 9 BEDROOM HMO AND ASSOCIATED ACCESS IMPROVEMENTS AT 63 HIGH STREET, SALTNEY – ALLOWED**

1.00 APPLICATION NUMBER

1.01 054886

2.00 APPLICANT

2.01 Mr. R. Hill

3.00 SITE

3.01 63 High Street,
Saltney

4.00 APPLICATION VALID DATE

4.01 5th February 2016.

5.00 PURPOSE OF REPORT

5.01 To inform Members of the outcome of an appeal against the refusal of planning permission for the change of use of a vacant police house to a 9 bedroom house of multiple occupation. The application was refused by Planning and Development Control Committee on 20th April 2016 contrary to officer recommendation. The appeal was dealt with by written representations and the Inspector was Paul Selby. The appeal was **ALLOWED**.

6.00 REPORT

6.01 The Inspector considered that the main issue was the effect of the proposal on highway safety.

- 6.02 The Inspector noted that the appeal site lies on Saltney High Street, an 'A' road between Chester and Broughton subject to a 30mph limit and with few parking restrictions. Policy AC13 of the Flintshire Unitary Development Plan (UDP) seeks to ensure that development proposals provide safe access to the main highway network. A recent survey of traffic along this section of the High Street indicates that it accommodates around 11,000 vehicle movements per day. Both parties have made reference to both Manual for Streets (MfS) and Manual for Streets 2 (MfS2). Although providing guidance for busier roads such as Saltney High Street, MfS2 is clear that the advice given in MfS concerning direct access is applicable to all urban roads. Research undertaken to inform MfS found that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily-trafficked roads. MfS2 states that providing direct frontage access is unlikely to have significant disbenefits in road safety terms, and that the absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously.
- 6.03 The Inspector noted that two parking spaces are to be provided west of the appeal building which would be reached via a new access point at the western extent of the site. The Inspector saw on his site visit that the parking area would be of sufficient size for two standard sized vehicles to park and manoeuvre to exit the site in forward gear. He considered that due to Oddfellows Hall being set back from the footway, there would be adequate visibility to the west for exiting vehicles. Sightlines to the east would, however, be restricted by the appeal building to below the guideline minima set out in MfS and Technical Advice Note 18 – Transport (TAN 18). Nevertheless, in the vicinity of the appeal site the High Street accommodates a number of accesses for driveways, service lanes and road junctions, as well as on street parking. These visual hazards appear to influence travel behaviour and moderate traffic speeds. In addition, the straight alignment of the road facilitates good visibility for drivers in both directions. Having regard to the guidance set out in MfS and MfS2, and given the context and the limited number of vehicles using the proposed driveway, the Inspector considered that vehicles nosing out of the proposed access point into the flow of traffic would not present an unacceptable hazard in highway safety terms.
- 6.04 The Council contends that it may be possible for new boundary fencing to be erected within the Oddfellows Hall property boundary, thus restricting views west from the new access point. This would, however, also reduce views for vehicles exiting the neighbouring property and in the Inspector's this view would be unlikely to occur. Conversely, the reduction in height of the front boundary wall of the appeal site, secured by condition, may assist in improving visibility for vehicles exiting the Oddfellows Hall, a potential benefit to which the Inspector attached moderate weight.

- 6.05 Two parking spaces would be provided on the existing driveway to the east. Visibility from this access point is significantly constrained by boundary walls and the appeal building, such that it does not meet the guidelines set out in the MfS and TAN 18. Given the limited space for turning on site, egress or access would need to be undertaken in reverse gear and, due to the limited visibility to the oncoming carriageway, this would present a hazard to both vehicles and pedestrians. The restricted width would also prevent two cars from parking side by side, and thus likely to lead to manoeuvring being undertaken on the highway. Nevertheless, the driveway and vehicle crossover already exists, with sufficient space for two vehicles to park. The proposed use as a House in Multiple Occupation (HMO) would, the Inspector considered, result in similar vehicle movements from the existing access point than were the building to revert to its former use as a 4 bedroom dwelling under Permitted Development rights. Furthermore, he noted that, whilst there have been a limited number of accidents elsewhere on the High Street in recent years, no incidents have been recorded in connection with the existing driveway.
- 6.06 The Council's car parking standards do not indicate maxima for HMOs, but given the number and size of bedrooms the Council considers that 9 off-street parking spaces would be required. The appellant has, however, estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it nonetheless provides an evidenced indication of the likely traffic generation of an HMO. Given the sustainable location of the proposal close to public transport and within walking and cycling distance of Chester city centre, the Inspector considered that the provision of 4 off-street parking spaces would be sufficient for the proposed use and would not result in a harmful level of overspill on-street car parking. In any event, ad hoc on street parking may be adequately controlled via the Council's powers as Highways Authority if it were deemed necessary.
- 6.07 The Inspectors attention has been drawn to a demarcated bus stop directly opposite the proposed access point. Whilst stationary buses would restrict visibility or prevent cars exiting the access point, this would be limited in duration and would have little effect on highway or pedestrian safety. Concerns have also been raised regarding the effects of the proposal on the safe crossing of the High Street for children travelling between the nearby primary school and church, but the straight alignment of the road would allow crossing in various places, and the proposal would not materially alter the amount of traffic locally. He considered that no harmful vehicle or pedestrian conflicts would arise as a consequence of the nearby bus stop, school or church.

- 6.08 Concerns have also been raised regarding waste and recycling arrangements. However, the submitted plans demonstrate that there would be sufficient space for storing bins on the site. Containers placed on footways on collection day would be limited in duration and, whilst a 9 bedroom HMO would require a greater number of bins than a 4 bedroom dwelling, he considered that they would not be so numerous so as to cause an unacceptable obstruction to pedestrians. Whilst the proposal would inevitably generate construction traffic during refurbishment and building works, similar impacts could arise under Permitted Development rights. The Inspector attached limited weight to these matters.
- 6.09 For the reasons given above, the Inspector concluded that the proposal would accord with the highway safety objectives of UDP policies GEN1, AC13 and AC18, and would be consistent with the general thrust of MfS, MfS2 and TAN 18.
- 6.10 Concerns have been raised regarding the compatibility of the use with the location, in particular the adjacent primary school. Whilst the south elevation of the existing building accommodates two first floor windows serving a bathroom and storeroom, which overlook the school grounds at relatively close range, these would be removed. Views would be possible towards the school playing fields and adjacent properties from two first floor bedroom windows, but these would be substantially oblique and at an acceptable distance. Consequently, no harmful overlooking would arise and, given the domestic character of the existing building and predominantly residential nature of the immediate context, he considered that its use as an HMO would be appropriate. Whilst the proposal would represent a relatively intensive use of the existing building, an acceptable standard of living accommodation would be provided for future occupants. The site would be located near to the town centre, and its separation from other dwellings would avoid unacceptable harm to the living conditions of those living nearby by virtue of noise or disturbance. The Inspector considered the proposal to be acceptable in terms of these other matters.

7.00 CONCLUSION

- 7.01 For the reasons given above, and having regard to all other matters raised, he concluded that the appeal should be **ALLOWED**.
- 7.02 He considered that a condition requiring the removal of the existing access gate prior to occupation is necessary in the interests of highway safety. For the same reason, conditions requiring the submission and approval of details for the boundary walls and landscaping adjacent to the highway, and to secure and maintain adequate on-site parking and manoeuvring space, are also necessary. In the interests of sustainable travel, it is necessary to impose a condition requiring the provision and retention of adequate

cycle parking.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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