

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3rd MARCH 2021**

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

SUBJECT: **CHANGE OF USE FROM USE CLASS C3
(RESIDENTIAL DWELLING) TO A HOUSE OF
MULTIPLE OCCUPATION**

**APPLICATION
NUMBER:** **061454**

APPLICANT: **MR JAMES BRUCE**

SITE: **110 CHESTER ROAD EAST, SHOTTON,
DEESIDE, CH5 1QD**

**APPLICATION
VALID DATE:** **24TH JUNE 2020**

LOCAL MEMBERS: **COUNCILLOR R. DAVIES**

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

**REASON FOR
COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER
DUE TO CONCERNS REGARDING PARKING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the proposed change of use of the dwelling house at 110 Chester Road East, Shotton, into a five bedroomed House of Multiple Occupation.

The proposed use, albeit it intensified, is still residential and is considered appropriate in this urban location without causing any adverse impact on neighbouring living conditions or highway safety.

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

- 2.01
- Time limit on commencement
 - Compliance with approved plans

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ron Davies – Requests committee determination due to concerns over car parking provision

Shotton Town Council

No response received at time of writing report

Highways Development Management

No objection as the application site is in a sustainable location with easy access to public transport. It is considered that a recommendation of refusal on the basis of a lack of parking facilities may not be justified at appeal.

Community and Business Protection

No observations to make regarding the proposal

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development at this location

Natural Resources Wales

The Flood Consequences Assessment (FCA) submitted demonstrates that due to the nature of the development, the assessment and consideration of flood risk provided and the measures to reduce its impact (i.e. the provision of a first floor communal area) any previous objections have been removed.

4.00 PUBLICITY

4.01 Neighbour notification letters posted. Five letters of objection received raising the following matters:

- The four semi-detached houses located at this address are an isolated settlement within the town where development proposals should be considered very carefully. The inclusion of a House in Multiple Occupation (HMO) would ruin the character of the isolated settlement and would overwhelm it. The scale and intensity of use would not be compatible with the existing building, adjoining and nearby houses, resulting in an impact on community cohesion.

- Social impacts include antisocial behaviour, comprising not only serious incidents, but also endemic low-level antisocial behaviour such as noise nuisance
- HMO houses are harbouring drugs and crime into the area. Covid 19 is not being adhered to and putting residents at high risk
- Inadequate provision for off street parking
- The proposed bus lane could reduce any existing on street parking currently utilised

5.00 SITE HISTORY

5.01 No relevant planning history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 GEN1- General Requirements for Development
 GEN2- Development within settlement boundaries
 AC13- Access and Traffic Impact
 AC18- Parking provision and new development

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the proposed change of use of the residential dwelling at 110 Chester Road East, Shotton, into a five bedroomed House of Multiple Occupation. The main issues to consider in determination of this application are the principle of the development in this location, impact on neighbouring amenity and highway safety.

7.02 Site Description

The application site is a rectangular parcel of land located within the settlement boundary of Shotton as defined in the Flintshire Unitary Development Plan. The site is formed of a four bedroomed semi-detached dwelling with single detached garage to the rear. Pedestrian access is available at the front of the dwelling, where there is also a small garden. The main private amenity space is located to the rear.

7.03 The site is located in a prominent position on the B5129 Chester Road West. To the east of the application site are three residential dwellings of a similar design. A large retail unit and petrol filling station are located to the west; playing fields are located to the south and Deeside Retail Park is located to the north.

7.04 Proposed Development

The application proposes internal alterations to the dwelling to change the use from a four bed roomed dwelling to a five bed roomed House of Multiple Occupation. On the ground floor are proposed two bedrooms with a communal space, kitchen and w.c. whilst on the first floor are the remaining three bedrooms and two bathrooms.

No external alterations are proposed.

7.05 Principle of Development

There are no specific policies within the Flintshire Unitary Development Plan relating to Houses of Multiple Occupation. Accordingly the main policies to consider are GEN1 and GEN2.

7.06 The lawful use of the property is that of a private dwelling (Class C3). The proposed use is a similar residential use albeit with the potential for a greater intensity of that use than may have been the case in the original 4 bedroom house. Whilst the application site and neighbouring three dwellings are a cluster of residential buildings, there are other residential dwellings within a very close proximity. The location has an urbanised character to it and accordingly a House of Multiple Occupation is considered to harmonise with this.

7.07 The application site is considered to be in highly sustainable location, with easy access to public transport and cycling routes. In addition, there are numerous amenities within a very close proximity.

7.08 Concerns have been raised that the proposed development will bring about a rise in noise pollution. The communal area and kitchen are located to the west of the property farthest away from the neighbouring dwelling. In addition, there is no evidence to substantiate that the volume of noise from this development would be significantly greater than any other residential use in this urban location.

7.09 Overall, it is considered that the proposed change of use to a House of Multiple Occupation accords with policies GEN1 and GEN2 and is therefore considered acceptable in principle.

7.10 Highway Issues

Concerns are raised through the Local Member and in the objection letters received with regards to on-street parking issues that currently exist near the application site and that the proposed use will worsen those matters.

7.11 There are no parking standards adopted for Houses in Multiple Occupation but Members are made aware of recent appeal decisions in Flintshire where reference was made to 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. In this case a five bedroomed HMO is likely to require the same car parking provision as a three bedroomed dwelling.

7.12 Currently, the application site benefits from a single detached garage at the rear of the dwelling. This garage is to be retained and utilised. When considering that the proposal would lead to a minimal amount of additional occupiers than the current 4 bedroom family home, the on street parking problems would not be significantly exacerbated to warrant the refusal of planning permission.

7.13 Flood Risk

The development lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004).

7.14 The planning application proposes a retention of the site's highly vulnerable land use consisting of a change of use from a residential dwelling to Housing with Multiple Occupancy (HMO). However, the development would result in an increased vulnerability compared to the existing building use, mainly due to the provision of ground floor bedrooms.

7.13 A Flood Consequences Assessment (FCA) was submitted in support of the application and demonstrates that the site is at significant flood risk. The FCA identifies the landing area as a communal space for residents using ground floor bedrooms, recommends flood resistance and resilience measures, and the development of a flood plan. Natural Resources Wales support the recommendations made in the FCA, however they note that flood resistance measures are unlikely to be effective in the event of a breach flood event. Accordingly, whilst the site is not in strict compliance with TAN15, due to the nature of development, the assessment and consideration of flood risk provided and with measures to reduce its impact (including the provision of a suitable upper floor communal area) any objections with regards to possible flood risk have been removed. The proposed development is considered to be compliant with policy EWP17 of the Flintshire Unitary Development Plan.

7.14 Other Matters

Concerns have been raised that the proposed use will bring about an increase in crime and anti-social behaviour. There is no planning policy requirement which controls the type and volume of residential accommodation. There is also no evidence to substantiate claims that Houses of Multiple Occupation generate greater levels of crime than any other residential use.

In addition, concerns have been raised that the multiple occupancy will lead to an increase in Covid-19 transmissions and breaches of regulations. There is no evidence provided to substantiate these claims and any breaches of regulations would be a matter for other legislation, not the planning system, to enforce.

8.00 CONCLUSION

The proposed change of use from a dwelling to a House of Multiple Occupation would be an appropriate residential use in this urban location. Whilst the development falls slightly below the recommended parking requirements, Members are reminded that there are no adopted parking standards for this use. In addition, significant consideration has been given to the sites highly sustainable location.

It is therefore considered that the proposal complies with local and national policy. Accordingly, I recommend that planning permission be granted subject to condition

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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