

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **19 JUNE 2024**

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

SUBJECT: **PROPOSED CONVERSION OF FORMER
RETAIL/OFFICES TO HOUSE OF MULTIPLE
OCCUPATION (HMO)**

**APPLICATION
NUMBER:** **COU/000718/23**

APPLICANT: **S FRANCO**

SITE: **39A REDIPARTS LTD, MOLD ROAD, BUCKLEY
CH7 2JA**

**APPLICATION
VALID DATE:** **04 SEP 2023**

LOCAL MEMBERS: **CLLR D ROSE CLLR C PREECE**

**TOWN/COMMUNITY
COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This full application seeks change of use and extension of a former retail/office use building 39A Mold Road, Buckley initially to a 14 bed House of Multiple Occupation (HMO) this has subsequently been amended to a 12 bed HMO. Amended plans have been received in the progression of the application on which further consultation has been undertaken. The application building is within the settlement boundary of Buckley a Tier 1 Main Service Centre, within a mixed use area comprising of some commercial /retail and housing uses on the edge of the town centre.

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

- 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 plans and documents.
 - Application form
 - Existing plans and elevations 203 Rev A
 - Location plan 201 Rev A
 - Planning Statement
 - Proposed plans 204 Rev F
 - Proposed elevations 205 Rev E
 - Block plan 202 Rev C
 3. No development shall take place inclusive of site clearance works until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority.
 4. Sound insulation performance between the units shall comply with the criteria set out in British Standard BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings
 5. No surface water from any increase in the roof area of the building or impermeable surfaces within its curtilages shall be allowed to drain directly or indirectly to the public sewerage system.
 6. No development shall take place until a scheme for biodiversity enhancement has been submitted to an agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

3.00 CONSULTATIONS

3.01 **Cllr D Rose (Local Member):** Objects for the following reasons: Concerns over the scale of the development and the type of application as a House of Multiple Occupation.

Cllr C Preece (Local Member): Requests that this application is referred to the planning committee and a committee site visit takes place. Raises concerns in respect of the following issues:

- Over development of the property: conversion of former retail / offices into 14 bedroom HMO which could house up to 28 people;

- No adequate communal area/ living space;
- Inadequate toilet and showers for the amount of rooms;
- Inadequate provision for waste storage and collection;
- There is no car parking provided;
- No outdoor amenity space;
- Overlooking other properties; and
- No access for safe deliveries.

Buckley Town Council: No adverse observations received in respect of the amended scheme for reduction of number of units from 14 to 12 units on the HMO.

Highway Development Control: No objection as drainage methods will not impact upon the adjoining highway. The bin store is not located on the adopted highways and notes the reduction in the number of units from 14 to 12 units. They have recommended that any consent be subject to condition that no development shall take place, inclusive of site clearance works until a Construction Traffic Management Plan has been submitted and approved by the local planning authority.

Community and Business Protection: Raise no adverse observations and no objection in principle. Sound insulation performance between the units should comply with the criteria set out in British Standard BS 8233: Guidance on Sound Insulation and Noise Reduction for Buildings.

Welsh Water/Dwr Cymru: Confirm that capacity exists within the public sewerage network to received domestic foul flow only. Buckley waste water treatment works (WWtW) Buckley Ty Gwyn has a phosphates permit. It is recommended if consent granted that it be granted that no surface water is allowed to drain directly or indirectly to the public sewerage system.

Natural Resources Wales: The scheme has the potential to increase phosphates entering the River Dee and Bala Lake Special Area of Conservation, and requested information on the foul drainage to demonstrate that the proposal will not increase the volume of foul discharge from the site. Natural Resources Wales recommend that confirmation be sought from Dwr Cymru /Welsh Water for connection to the public waste water treatment works, to ascertain if the proposal is likely to have a significant effect on the Special Area of Conservation. This has duly been carried out and it has been confirmed that capacity exists and there is a phosphate's permit in place. In light of this it is considered that the change of use will not have a significant effect on the River Dee and Bala Lake Special Area of Conservation.

Airbus: No aerodrome safeguarding objection to the proposal.

Coal Authority: The site falls within a low risk area therefore have no specific comments to make and refer to Coal Authority Standing Advice.

4.00 PUBLICITY

4.01 19 Neighbour Notifications were sent to neighbouring or nearby properties. The application was also published by way of a site notice, displayed to the front of the site.

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

1. Scheme too large
2. No outside area with building
3. No car park and adjacent car park often full
4. The area to the rear of the building is not part of application and the applicant does not have access to this area
5. Bins would be on public pavement to front of property
6. The address of the site is incorrect and is not in the applicants ownership
7. Increase in traffic
8. Potential noise and disturbance created by HMO
9. Character of community will be negatively impacted by HMO
10. Affects property prices and sense of pride in community
11. Strain on local resources , schools, health care facilities
12. Structure of building was for a commercial property of single brick /stud wall construction with no sound proofing, not suitable for HMO
13. Very poor light and ambiguous access to second floor
14. Concern over number of occupants crammed in to building with very limited facilities
15. Question over type of occupants, is it for professionals/key workers
16. Parking shown is on Council owned pedestrian Right of Way, with bollards on it
17. No fire escapes
18. Already flats in area which are in public ownership which have been subject to antisocial behaviour
19. Original scheme for conversion of the building was for 2 flats and a shop which was considered more appropriate.

5.00 SITE HISTORY

5.01 **COU/000237/23**

Conversion of former retail/offices to C3 use Approved 13.06.23

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

STR2 The Location of Development
SRT4 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
PC 3 Design
PC5 Transport and Accessibility
HN7 Houses in Multiple Occupation
EN15 Water Resources

National Planning Policies

Planning Policy Wales (PPW) Edition 12
Future Wales: The National Development 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 to change the use of 39A Mold Road, Buckley, an existing vacant retail/ office building on the junction with Mold Road, to a 12 bed house of multiple occupation. The application site is within the settlement boundary of Buckley, a Tier 1 Main Service Centre. The building existing is a part single and part two storey, flat roofed, 6m high and 14m x 8m in footprint.

7.02 Proposed Development

The application proposes the change of use and extension and alteration of the existing vacant retail/office building to a 12 bedroom House of Multiple Occupation (HMO).

7.03 It is proposed to extend and alter the building to create a building with mono pitch roof 10m high, 14m x 8m in its footprint. With an internal lay out creating 12 bedrooms, two communal areas for kitchen /eating and seating area and shared bathroom facilities on the ground and first floor, with bedroom accommodation on the third floor, which is effectively in the loft area of the proposed building.

7.04 Main Issues

The main issues to be addressed in the determination of this application are:

- The principle of development having regard to the Development Plan;
- Impact upon character and appearance of the area;
- Adequacy of parking;
- Water resources; and
- Living conditions

- 7.05 The Principle of Development
The reuse in part and extension of the existing former retail/office building which is currently vacant and has been for some time is considered to be reflective of the guidance offered in Panning Policy Wales Edition 12, Future Wales the National Development Plan and Policy STR2 of the Flintshire Local Development Plan, all of which seek to direct new residential development proposals to defined settlements where there is a range of services to support such development.
- 7.06 The identified policies of the LDP allow for the development and extension of existing buildings, where of appropriate type and scale, and allows for windfall housing, subject to meeting the criteria-based approach set out in Policies PC2 and HN7.
- 7.07 A HMO is in principle considered to be an acceptable form of residential development where policy HN7 of the Flintshire Local Development Plan assess the suitability of schemes within defined settlement boundaries to convert an existing building into houses in multiple occupation. The policy requires that conversion is possible without major alterations /extensions which would significantly alter the character and appearance of the building or the locality. In addition, schemes must be of a scale and intensity compatible with adjoining and nearby uses; make adequate provisions for parking provision and provides drying, bin stores, cycle storage and amenity space. The policy seeks to ensure that the cumulative impact of HMO development would not harm the locality.
- 7.08 The submitted proposals provide for an increase in height of the building, as a result of the pitched gable roof, but does not involve an increase in the building's footprint. Given the location of the building at a prominent junction in relation to the main shopping street of Buckley, the increase in height would not appear incongruous as buildings of greater height and massing are commonly found at such locations. The scheme provides for a drying area, bin store area and shared living spaces areas for future occupants.
- 7.09 As such, it is considered that the proposals would comply with the aims of Policy HN7 and therefore can be considered to be acceptable in policy terms, subject to the detailed assessment of the identified criteria of Policy HN7 as follows.
- 7.10 Character and Appearance
The site is located upon the western edge of the defined town centre of Buckley which the LDP identifies as an area where redevelopment is acceptable in principle. The street scene is comprised of a mix of development types, scale and uses. Whilst it is acknowledged that the proposal will increase the height of the building, due to its design, being of a mono pitch roof at 10m high, rather than the existing flat roof building it is considered that the proposed building will be more

reflective of the surrounding street scene and as such would not appear incongruous.

- 7.11 The street scene is made up of a variety of designs with no one scale or design predominating. Most of the buildings are orientated to face on to the main road and are of pitched roof design. The proposed scheme is reflective of the orientation of the buildings and pitched roof form in the immediate area. Consequently the scheme is considered to harmonise with the site/surroundings and as such, would be compliant with policies PC2 and PC3 of the Flintshire Local Development Plan.
- 7.12 Impact Upon Living Conditions
Having regard to the requirements of both Policy PC2 and HN7, it is important in the 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.
- 7.13 Whilst it should be noted that there is currently no formal adopted Supplementary Planning Guidance in Flintshire in respect of HMO accommodation, the Council have produced a Developer Advice Note on Flats and Houses in Multiple Occupation (HMOs) that supports both the policy context within the LDP and Policy HN7 specifically. This guidance is for prospective developers of flats/HMOs and includes the key standards, assessments and evidence that the LPA require to properly consider and assess planning applications. The Council's Community and Business Protection (Housing Standards Team) however apply Welsh Government minimum standards during the assessment of licence applications for HMO's.
- 7.14 Notwithstanding this, the design has been carefully considered to mitigate against any adverse impact upon living conditions via the use of high level roof lights being set a minimum of 1.7m from internal floor level height which prohibits overlooking or adverse impact upon neighbouring occupants.
- 7.15 Objections have been raised with regard to the perceived proliferation of flats and HMO's with the immediate area and the cumulative impact of the proposal upon the character of the street, together with concerns relating to overdevelopment within the street scene. Whilst it is noted that there are Council flats in the area, the proposal would not lead to two HMO's being located side by side, nor would an existing residential property being sandwiched between the two HMO's. As Mold Road comprises of mix of commercial, retail and residential uses, it is not considered that its inherent character will be unduly impacted.
- 7.16 Whilst the proposals do not make provision for outdoor space, the site is close to the public open spaces at the recreation ground adjacent

to Mill Lane and Buckley Common which affords opportunity for access to amenity areas and open green space. The particulars of the application site are such that opportunities for the onsite provisions of outdoor amenity space is limited, but given the areas of public open space are within easy walking distance, some 250metres and 650m from the site respectively, this is not considered to weigh significantly against the proposal and therefore it is considered compatible with the site and wider street scene and acceptable having regard to Policy HN7 of the Flintshire Local Development Plan.

7.17 Adequacy of Parking

Access and parking provision for the site has been considered by Highways Development Control colleagues. It is noted that the site is located on the edge of the town centre, in a highly sustainable location and it is for the reuse, conversion and extension of an existing building, with existing local parking provision adjacent to the site. In addition, the site is conveniently located in relation to public transport hubs within the town centre. As such no objection to the proposal is raised on access, parking or highway safety grounds.

7.18 Water Resources

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.

7.19 Following the review of the Buckley Waste Water Treatment Works permit, Welsh Water have confirmed that there are no capacity issues at the wastewater treatment works as it has a valid phosphate permit and as a result there is headroom at the treatment works to treat the additional phosphate that would be derived from the proposed development.

7.20 It is considered that no likely significant effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts (given that the treatment works can process the phosphates). The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice (both points 1 and 3 apply):

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

7.21 As such it is considered unlikely that the proposal would have a significant adverse effect on the River Dee and Bala Lake Special Area of Conservation (SAC) catchment, compliant with policy EN15 of the Flintshire Local Development Plan and the guidance offered in Planning Policy Wales Ed 12.

7.22 Other Matters

The requirement for development proposals to incorporate biodiversity enhancement measures has been considered as part of the application and, having regard to the context of the building, site and surroundings, it is considered that this aim can be adequately satisfied via the imposition of a condition to secure a net benefit in bio-diversity.

7.23 Concern has been raised with regard to the scale of the development and size of the rooms. In this respect the design layout and layout of the building Complies with the size guidelines set out in Developer Advice Note - Flats and Houses in Multiple Occupation and will also have to comply with the regulations and conditions of the relevant HMO licence.

7.24 Concern is also raised in respect of the nature of the construction of the existing building, allegedly being a single skin construction, compliance with building regulations and fire safety. These matters are addressed via Building Regulations legislation and are not matters to be addressed via this application for planning permission.

7.25 Comments have been received to suggest that the applicant does not own the site. However, the information provided as part of the application in relation to land ownership is taken on trust as part of the planning application determination process unless it is clearly demonstrated to the contrary. No information has been provided to demonstrate the allegation. Notwithstanding this, the determination of a planning application would not override other requirements in terms of land ownership and this issue is therefore not prejudicial to the determination of the application.

8.00 CONCLUSION

- 8.01 The principle of the extension, alteration and conversion of the existing former commercial and retail unit to a 12 bedroomed HMO is considered acceptable in this sustainable location within Buckley, which is defined as a Main Service Centre within the Flintshire Local Development Plan.
- 8.02 Whilst acknowledging concerns over the perceived proliferation of this type of accommodation within the immediate area of Buckley, the site is located in a mixed use area on the edge of the town centre, and the proposed development is considered acceptable.
- 8.03 The scheme is compliant with the provisions of policies STR2, PC2, PC3, HN7 and EN15 of the Flintshire Local Development Plan and the guidance offered in Planning Policy Wales Edition 12 and Future Wales; The National Development Plan (2020- 2040) as such a recommendation of conditional approval is made.
- 8.04 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.
- 8.05 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.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 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

Contact Officer: Barbara Kinnear
Telephone: 01352 703260
Email: Barbara.kinnear@flintshire.gov.uk

