

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **5<sup>TH</sup> FEBRUARY 2020**

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

**SUBJECT:** **CHANGE OF USE FROM DWELLING INTO MULTIPLE OCCUPANCY, ALTERATIONS TO FRONT PORCH AND FORM DROP KERBS ACROSS SITE FRONTAGE TO FACILITATE PARKING (PARTLY IN RETROSPECT) AT 24 LARNE DRIVE, BROUGHTON.**

**APPLICATION NUMBER:** **060667**

**APPLICANT:** **MR. C. WALSH**

**SITE:** **24 LARNE DRIVE, BROUGHTON.**

**APPLICATION VALID DATE:** **27<sup>TH</sup> NOVEMBER 2019**

**LOCAL MEMBERS:** **COUNCILLOR B. MULLIN**

**TOWN/COMMUNITY COUNCIL:** **BROUGHTON & BRETTON COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST – CONCERNS DUE TO OVERDEVELOPMENT OF THE PROPERTY**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

- 1.01 This is a full application for the change of use of a 3 bedroom house to a 7 bedroom house of multiple occupation. The development also involves alterations to the existing porch and dropping of the kerb to allow on-site parking. The alterations to the porch have taken place, so this aspect is in retrospect. It is considered that the developments are acceptable in Policy terms and will not detrimentally affect the living conditions of adjoining occupiers or those of the proposed occupiers of the building.

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

- 2.01
1. In accordance with approved details.
  2. Parking spaces and dropping of kerb to be completed and available or use prior to the property being brought into use as a HMO and retained as such in perpetuity.
  3. Maximum occupancy to be 7 individuals.
  4. Scheme for bin and recycling storage to be agreed and submitted within 3 months and implemented on first use. Thereafter retained in perpetuity.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor W. Mullin

Major concerns regarding this application. Requests committee determination and a site visit as it is considered overdevelopment of the property.

Broughton & Bretton Community Council

Strongly opposed to the application on the following grounds:-

- Residential street/cul de sac
- Out of character with nature of street.
- Inadequate parking.
- Increase in traffic and noise will impact on residents and safe place to live.
- Strength of opposition against this application, clearly highlights the need for FCC to implement their policy on HMO's.

Highway Development Control

Recommends any permission include suggested conditions and a note to applicant.

Community & Business Protection

No adverse comments to make regarding this proposal.

Airbus

No aerodrome safeguarding objection to the proposals.

**4.00 PUBLICITY**

4.01 Neighbour Notification

50 letters of objection have been received raising the following concerns:-

- Detrimental impact upon living conditions of adjoining occupiers, loss of light and privacy from extensions, increase in noise nuisance due to intensity of use caused by footfall and vehicular traffic.
- Impact upon streetscene. Particular character to this neighbourhood. Many houses altered in this cohesive community, however nothing is radical as this proposal.
- Safe streets and parking important factors and intensity of use will compromise the conditions already prevailing in this cohesive community.
- Proposal will deprive a family of a home.
- Neighbourhood not planned for a transient population but settlers and infrastructure developed in accordance with that idea.
- No requirement for a HMO's in Broughton.
- No space for the increased bin storage on the site.
- No consideration being given to the well-being of the existing residents in the area.
- Alterations to the building have already been completed.
- Discrepancies upon plans regarding porch and parking spaces.
- Not enough space on site for the requisite parking spaces, bin storage, pedestrian access, health & safety regulations etc.
- Size of rooms do not comply with Flintshire County Council's Developer Advice Note September 2018.
- Location of parking spaces, bin and cycle storage areas will have a detrimental impact upon the living conditions of the proposed occupiers.
- Not enough private amenity space for the proposed occupiers.
- Insufficient information for the Local Planning Authority to fully assess the effect of the proposal in relation to the likely number of residents, provision of bin storage, secure cycle parking and the streetscene in terms of car parking.
- Positive and healthy state of affairs which currently exists is likely to change with the intrusion of the HMO and lead to an imbalance in long term households and established families.
- Building work currently taking place already causing nuisance to residents in terms of damage, noise, dust and vermin.
- Change in design as it has changed the footprint of the house and removed all access to the area and does not seem to be very conscious of health and safety issues.
- Due to the increase in the number of vehicles in the area, the potential risk of obstructing emergency vehicles to gain access would be extremely high.
- To comply with SPGN No. 9 the applicant needs to demonstrate and justify how they have arrived at this type of housing in terms of need for this quality and type of tenure.

- Similar proposal allowed in Gladstone Road has set a precedent.
- Reduce house prices in the area.

## **5.00 SITE HISTORY**

- 5.01 060363  
Erection of two storey side extension and single storey extension to rear of dwelling – Granted 15<sup>th</sup> October 2019.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1 – New Development.  
Policy STR8 – Built Environment.  
Policy GEN1 – General Requirements for Development.  
Policy GEN2 – Development Inside Settlement Boundaries.  
Policy D1 – Design Quality, Location & Layout.  
Policy D2 – Design.  
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.  
Policy HSG12 – House Extensions & Alterations.  
Policy AC18 – Parking Provision & New Development.

SPGN No. 1 Extensions & Alterations to Dwellings.  
SPGN No. 2 Space Around Dwellings.  
SPGN No. 11 Parking Standards.

Draft Developer Advice Note – Houses in Multiple Occupation  
September 2018.

### National

Planning Policy Wales Edition 10 December 2018.  
Technical Advice Note (TAN) 11: Noise (1997).  
Technical Advice Note (TAN) 12: Design (2016).  
Technical Advice Note (TAN) 18: Transport (2007).

## **7.00 PLANNING APPRAISAL**

- 7.01 Site Description & Proposals  
The site comprises of the existing semi-detached, two storey dwelling of No. 24 Larne Drive, Broughton. The extensions approved under 060363 are currently being constructed.
- 7.02 This is a full application for the change of use of a 3 bedroom house to a 7 bedroom house of multiple occupation. The development also involve alterations to the existing porch and dropping of the kerb to

allow on-site parking. The alterations to the porch have already been undertaken. This aspect is therefore in retrospect. The proposed HMO will accommodate a maximum of 7 people.

7.03 Issues

The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the effects upon the character and appearance of the area, the highway implications and the effects upon the living conditions of the existing and proposed occupiers.

7.04 Background

Members should be advised that a householder application was submitted under reference 060363 for the erection of a two storey side extension and a single storey rear. This was approved under delegated powers on 15<sup>th</sup> October 2019. It essentially provided extra accommodation at ground floor level with an extra two bedrooms at first floor level. These are presently under construction.

7.05 This current application for conversion to a HMO was subsequently received on 27<sup>th</sup> November 2019.

7.06 Principle of Development

The development is within the settlement boundary for Broughton and is for the residential use of an existing dwelling. The principle of the development is therefore acceptable in planning policy terms as both the existing and proposed uses are residential. A proposal such as this also makes the most efficient and effective use of the existing housing stock in accordance with Policies STR4 and GEN2 of the adopted Flintshire Unitary Development Plan.

7.07 Members may be aware that an advice note has been prepared on HMO's which has yet to be formally adopted. As such it can be considered as a material consideration or an example of good practice, but no significant weight can be attached to it.

7.08 A third party refers to the need for the applicant to justify the proposal as set out in SPG9. SPG9 is an adopted guidance note on 'Affordable Housing' and offers guidance on securing affordable housing as part of larger housing proposals and also provides guidance on small scale affordable housing exceptions. It does not provide guidance on, and is not applicable to HMO's. In taking a broader overview on applications for HMO's there is no guidance in PPW and there is no policy requirement for a 'need' for a HMO to be established. Instead, PPW leaves it to the Local Planning Authorities to control development proposals for this type of housing. However, at local level the Local Housing Market Assessment, which was produced to inform the LDP, has identified that across the County there is a need for small housing units of 1-2 bedrooms. The delivery of one bedroom

units of accommodation therefore meets a legitimate housing need in the County.

7.09 Main Issues

7.10 Character & Appearance

The dwelling is located within a row of similar properties upon a modern residential estate. The extensions currently being constructed have been granted planning permission. The two storey side extension which is currently under construction is of a size, scale and design which was considered to accord with the character and appearance of the existing dwelling and local area in which it is located and to reduce the impact upon the adjoining property in terms of loss of light.

7.11 At the front of the property the existing kerb will be dropped so that an area of hardstanding can accommodate the parking of three cars together with cycle and bin storage. This is not an unusual layout of driveway to the front of a dwelling.

7.12 Given the above, it is considered that the built nature of the proposal will not have a significant detrimental impact upon the character and appearance of the existing dwelling or streetscene in which it is located.

7.13 Impact on the Highway

There is a concern that the increased residential use of the HMO, would leave to an increase in the parking requirements above what would reasonably expected of a private dwelling. At a recent appeal for a HMO in Buckley, the Inspector noted that:

“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 provides an evidenced indication of the likely traffic generation of an HMO”.

7.14 If the same rationale is applied to this application then there would be a requirement for 2.8 car parking spaces. The proposed parking provision, submitted shows the front of the property will accommodate 3 cars clear of the highway. A condition is imposed to ensure that the parking provision is provided and maintained on site, in perpetuity.

7.15 Living Conditions

Concerns have been expressed that the proposals would cause noise/disturbance with the extensions also adversely affecting light and privacy upon existing neighbouring occupiers.

- 7.16 Some of these concerns and fears relate to the future occupants of the development. However, consideration of the planning application is based on the land use and not the potential occupants of the dwelling. There are separate regulatory controls outside the remit of planning considerations that tackle persistent noise nuisance or disturbance. Concerns that tenants could cause these problems are not unique to HMOs and there is no evidence to substantiate this is the case. Anti-social behavior could equally apply to other forms of residential occupation. Planning controls are concerned with the use of land rather than the identity of the user.
- 7.17 The land lord would require a separate licence from the Community and Business Protection Service as it is categorised as a large HMO under the relevant Housing legislation. This licencing regime can restrict and limit the number of occupants and set standards for occupation. Community and Business Protection have not raised an objection to the development.
- 7.18 With regard to the extensions having an adverse impact upon the living condition of neighbouring occupiers; in terms of loss of light, the built form of the proposal has already have the benefit of planning permission gained under 060363 and is being constructed in accordance with the approved plans. Indeed, the two storey side extension was reduced in size and scale to prevent any significant loss of light to the adjoining occupier.
- 7.19 Living Condition of Future Occupiers  
In relation to the living conditions of the proposed occupiers of the HMO the smallest proposed bedroom is approximately 8.2 m<sup>2</sup>. The Draft Developer Advice Note advises that the bedrooms should be approximately 10 m<sup>2</sup>. The minimum standard required by Community and Business Protection is 6.5 m<sup>2</sup>.
- 7.20 Given that the Draft Developer Advice Note is not yet adopted and even when adopted is an advisory note the requirement for the room to be 10m<sup>2</sup> holds very little weight in the overall planning balance. As the proposal is in excess of the standard required by Community and Business Protection, it is considered that in relation to bedroom size, this holds greater weight as a material consideration in the overall planning balance and therefore is considered acceptable.
- 7.21 In terms of private amenity space, approximately 63 m<sup>2</sup> is being provided to the rear of the property. The SPGN No. 2 'Space Around Dwellings' Note advises 70 m<sup>2</sup> be provided for a single dwellinghouse and does not define a standard for a HMO. . Given, that this shortfall is only marginally less than required for a single dwelling house and was considered sufficient to serve a 5 bedroom dwelling, it is considered that living conditions of the proposed occupiers in this respect would not be significantly affected.

- 7.22 Concerns have been raised that there is insufficient space on site for bin storage. It is considered that adequate space is being provided within the site and can be retained which is also within 25 m of the pavement.
- 7.23 Other Matters  
Third parties have raised issues that there were discrepancies in the planning application and plans regarding alterations to the porch and the provision of parking spaces. Amended plans have been received which address these issues.
- 7.24 Concerns have also being raised that there is insufficient evidence for the Council to assess the application. The submitted application is a lawful and valid submission which meets the standards of information set out by Welsh Government for considering such proposals.
- 7.25 There is no evidence to support the claim from third parties that the existence of the HMO would cause an imbalance in long term households or adversely affect the well-being of residents. This matter can therefore only attract very limited weight in the overall planning balance.
- 7.26 It is acknowledged that building work may often cause some disturbance however it is considered this is normally for a short period of time and it should be noted that a significant proportion of the exterior construction work has been lawfully undertaken. Any concerns about the Health and Safety of workers on site should be referred to the Health and Safety Executive.
- 7.27 Although a proposal for a HMO was allowed by an appeal considered by the Planning Inspectorate this does not set a precedent. The significant planning consideration is that a dwelling house and a HMO are considered residential uses and therefore both are acceptable in a residential area.
- 7.28 Third parties have also raised concerns about the proposal adversely affecting house prices. Concerns relating to impact upon house prices is not material in the consideration of this proposal.

## **8.00 CONCLUSION**

8.01 It is considered that all of the matters in the consideration of this proposal are acceptable and that planning permission should be granted.

### **8.02 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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