

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH FEBRUARY 2020**

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

SUBJECT: **FULL APPLICATION – CONVERSION OF REDUNDANT RESTAURANT/BAR INTO 13 NO. FLATS/APARTMENTS AT 14 MILL LANE, BUCKLEY**

APPLICATION NUMBER: **060374**

APPLICANT: **MR R BRAITCH**

SITE: **14 MILL LANE. BUCKLEY**

APPLICATION VALID DATE: **19TH AUGUST 2019**

LOCAL MEMBERS: **COUNCILLOR M J PEERS**
COUNCILLOR D HUTCHINSON

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

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the conversion of a former restaurant/bar into 13 no. apartments at 14 Mill Lane, Buckley.
- 1.02 Members will be aware that this item was deferred from the Planning Committee of the 8th January 2020 on the advice of the Chief Officer after it became apparent that an incorrect certificate of ownership had been served with the submission. This has now been rectified and the correct notices served. Members also suggested that the opportunity was taken by officers to work with the developer to secure the provision of a footpath alongside the access road.

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

- 2.01 That conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation to provide the following:

Payment of £733 per apartment in lieu of on-site public open space provision. The off-site contribution would be used to enhance existing public open space in the community; namely Higher Common Play area.

Conditions

1. Time Limit
2. Approved plans
3. Materials
4. Details of bin and recycling and bicycle storage area
5. Construction Traffic Management Plan
6. Details of footway

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor M J Peers

Requests committee determination and site visit due to highway issues, parking issues, road safety issues and access issues.

Preliminary views as follows;(including forwarding views from residents of Millers Court;

- a) Plans show doorways in the side of the Windmill property facing Millers Court. These doors open out directly onto the roadway and into passing traffic. A kerbed pathway may be necessary to avoid conflict. Meeting requested with streetscene to discuss. (resident raise further concerns)
- b) Highways issues for the refuse and recycling vehicle. Concerns over bin storage facilities.
- c) Suggestion to re-configure the plans to incorporate internal corridor to alleviate the problem of a).
- d) Parking restrictions should be implemented to prevent car parking alongside the Windmill Bar and Grill to prevent the road being blocked and access by emergency services unrestricted.
- e) Concern over the potential number of vehicles related to the proposals. Adequate parking must be included. See also d).
- f) My suggestion would be valid if the road is of adopted standard. Requires clarification. The reference to Buckley Town Council receiving parking fine revenue is incorrect.

- g) Provides evidence that keeping the road clear alongside the Windmill Bar and Grill ensures unhindered access by the emergency services.

Buckley Town Council

Raise the following issues:

- The interests and environment of the residents of Millers Court should be protected and the development should have no adverse effect upon them.
- The flats/apartments appear to be too small, with limited parking and no provision for children to play outside.
- The development, if approved, will limit the town centres regeneration as it is an example of the loss of commercial properties within the town centre.
- There is indicated only one parking space per flat. This is below the standard required.
- The comparators used in the planning application are not equitable and refer to much larger urban conservation.
- It is acknowledged that the development will assist the need for social housing in the town.
- During the building of the development, if approved, there will be considerable environmental concerns in respect of access and egress to the site.

Highways Development Control

No objection to the proposal

Community and Business Protection

No adverse comments

Aura

In accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per house/dwelling and £733 per apartment in lieu of onsite POS. The payment would be used to improve teenage provision at Higher Common Play Area. Aura have confirmed that the pooled contributions thresholds have not been exceeded with regards to Higher Common Play Area.

Education

I can confirm that Westwood CP School is the closest primary school and Elfed High School is the closest secondary school to the development.

I can also confirm that the development will not generate a Section 106 contribution for either school as the capacity trigger has not been reached.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

1 Letter of Objection received

- Site boundary shown encroaching over land belonging to the residents of Millers Court

5.00 SITE HISTORY

5.01 047608- Change of use of residential accommodation on first floor to offices- Approved 16/09/2010

047607- Change of use of ground floor at rear of property to be used as a day care facility with bathing area on first floor including installation of passenger lift Approved 16/09/2010

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1	-	New Development
Policy GEN1	-	General Requirements for Development
Policy GEN2	-	Development inside settlement boundaries
Policy D1	-	Design Quality, Location and Layout
Policy D2	-	Design
Policy D3	-	Landscaping
Policy HSG3	-	Housing on Unallocated Sites Within Settlement Boundaries
Policy HSG8	-	Density of Development
Policy AC13	-	Access and Traffic Impact
Policy AC18	-	Parking Provision & New Development

Local/Supplementary Planning Guidance Notes

SPGN2	-	Space Around Dwellings
LPGN 11	-	Parking Standards

National Planning Policy

Planning Policy Wales 10th Edition – December 2018 (PPW10)

7.00 PLANNING APPRAISAL

7.01 Site

The proposed development is the change of use of the 'Windmill', 14 Mill Lane, Buckley to 1 and 2 bedroom residential apartments. The

proposal is for the conversion of the building into 13 no. apartments, 11 of which would be 2-bedroom with 2 no. 1-bedroom apartments.

7.02 The site is a former restaurant and function room which has more recently operated as a day care facility for the elderly.

7.03 Principle

The site is located within the settlement boundary for Buckley, a category A settlement, as identified within the Flintshire Unitary Development Plan, but outside of the core retail area. Therefore as the conversion does not create tandem development or overdevelopment, does not conflict with the aims of the UDP and otherwise complies with the principles of GEN 3 it is considered acceptable to convert this non-residential buildings to residential, in accordance with policy HSG3.

7.04 The Town Council have raised concerns regarding the impact that losing a commercial property may have to the regeneration of the town. There is no local planning policy context to preclude this development as it lies outside core retail area and relates to a commercial use rather than an A1 retail use. This proposal provides a range of housing within easy reach of the town centre and it is likely that residents will utilise the town centre for their shopping needs. During the pre-application consultation process it is noted that a local business owner supported the principle of the proposal on this basis.

7.05 The Buckley Masterplan contains no specific proposals for Mill Lane but notes that it contains a mix of residential and secondary commercial land uses. PPW10 recognises that retail and commercial centres provide a range of shopping, commercial, leisure, employment and education facilities as well as civic identity and social interaction. PPW10 stresses that opportunities to live in these centres, combined with their good public transport links, make them the most sustainable places. In this context, PPW10 advises that 'policies should encourage a diversity of uses in centres' and refers to encouraging, where appropriate, residential development to promote lively centres during both the day and the evening.

7.06 Main Issues

The main issues to consider are highways issues surrounding access and parking provision, and the living conditions of residents and neighbours.

7.07 Highway matters

There are no proposed changes to the existing access. This access point currently serves the Windmill in its existing use, as well as providing access to the properties at Millers Court, and the rear of a number of properties on Brunswick Avenue, which are commercial units with flats above.

- 7.08 The site has a large parking area to the rear of the property which served both the restaurant and later, the care facility. The parking area is served by an existing access which also provides access to parking to the rear of the Millers Court properties. The proposal provides for 13 no. parking spaces as well as 3 no. visitor spaces.
- 7.09 As such the parking provision provided 4 spaces below the SPGN 11-Parking Standards has a maximum requirement for such development of 1 space per unit together with 1 space per 2 units for visitors. It should be noted that the SPGN sets a maximum not a minimum standard.
- 7.10 The Agent has supplied Trip generation data for the existing use of the site. It is considered that highways activity for the existing use has the potential to generate significantly greater volumes of traffic than the proposed apartments. As such Highways Development Control have raised no objection to the proposal. The site is also well located in a town centre location with travel options close to hand which would allow a relaxation of the parking standards.
- 7.11 The proposal includes the introduction of a 1 metre wide raised footway to allow for residents exiting the properties to be able to safely leave the property without stepping onto the access road. The location of this footway has been indicated on the plans, although I consider it appropriate to require the full details of this development to be submitted for approval, and for the work to be undertaken prior to the first occupation of the apartments.
- 7.12 The applicant has indicated their desire to affix signage to the exterior wall of the property adjacent to the access prohibiting the parking of vehicles in this area. As this is a private access this is not a requirement from the Highways Authority, but part of the applicants intention to manage the use of this area by traffic associated with the development. I do not consider that this is something which could lawfully be conditioned as it is not necessary for Planning approval to be granted.
- 7.13 Following Highways advice I consider the access and parking provided by the proposal to be adequate for the development proposed.
- 7.14 Local and resident living conditions
The existing building has sporadic fenestration on its southern elevation. In order to allow natural light into the apartments, as well as to allow means of escape from the building, windows are to be introduced into this elevation.
- 7.15 At its western extent this elevation is blank and faces a blank flank wall for no. 12 Mill Lane. At the eastern section of this elevation the property faces the rear of a commercial property on Brunswick road

over 30 metres away. The windows in these sections of the conversion would not give rise to any concerns over privacy or residential amenity and the development is in accordance with

- 7.16 In the middle section of the building the new fenestration in the southern elevation faces properties 1-5 Millers court. The distance between windows in this location is approximately 12.5 metres, facing across the access to the rear car park. SPGN2- Space Around Dwellings seeks a 22 metre interface where you have a direct interface between windows of two habitable rooms. Whilst a number of the windows, both in the proposed conversion and the Millers court properties, serve Kitchens (not considered to be habitable rooms) there are also windows serving Lounges and bedrooms, which are habitable. As a result the applicant has designed the conversion with windows deliberately offset from those facing them so as to avoid direct overlooking.
- 7.17 It should be noted that Millers Court has a rear to rear interface with the Brunswick road properties of approximately 12 metres. This includes direct window to window interface between the first floor accommodations.
- 7.18 Policy HGS8 of the Flintshire Unitary Development Plan requires new development to reflect the characteristics of the site and surrounding areas. Given the pattern of development in the vicinity I consider that the interface between the new fenestration and the properties at Millers Court to be acceptable, particularly as the conversion has been designed to be as sensitive to this issue as it can be, placing the new windows at oblique angles to those they would otherwise be facing. This alleviates any particular concern surrounding the window interfaces.
- 7.19 There is no amenity space associated with the apartments, but given the town centre location and the type of accommodation provided this is not unexpected. The site is located a walkable distance away from the public open space and play area at Buckley Higher Common where the developer will make a contribution for teenage provision, as well as the skate park at Hawkesbury.
- 7.20 Design
Part of the proposal involves alterations to the roof of the building. The current roof of the building has a variety of various roof slopes and the proposal will rationalise this with a single, cohesive pitched roof, which follows the height and pitch of the highest part of the existing roof. The roof alterations improve the appearance of the building. Taken together with the new fenestration the converted building respects the scale of the surrounding development and makes the best use of land. The changes will create a positive and attractive building which will protect the character and amenity of the

locality and add to the quality of the area. The proposal is therefore considered to broadly comply with UDP Policies D1 and D2.

7.21

Planning Obligations

The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 122 tests;

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. Be fairly and reasonably related in scale and kind to the development.

7.22

As both primary and secondary schools have sufficient capacity a S106 contribution will not be required.

7.23

However, as no Public Open Space (POS) provision is provided on site by the development. In accordance with Planning Guidance Note 13- Public Open Space provision, it is considered that the Council should seek commuted sum payment in lieu of on-site provision, which would enhance existing POS in the community in accordance with the SPGN it is considered that a fee of £733 per apartment is appropriate.

7.24

Aura have advised that the payment would be used to improve teenage provision at Higher Common Play Area. It has been confirmed that the pooled contributions thresholds have not been exceeded with regards to Higher Common Play Area.

7.25

It is considered that these contributions comply with the requirements of section 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

7.26

Other Matters

Concerns have been raised regarding bedrooms without windows. Although it is acknowledged that this is not an ideal scenario a conversion of an unusually shaped existing building such as this often present challenges. It is considered that each large living and principal bedroom has a sufficient outlook. In terms of ventilating these rooms this can be achieved through mechanical ventilation.

7.27

Regarding potential means of escape there are measures which will be required through building regulations, such as the formation of

protected routes and requirement of mains operated smoke detectors in each room which would ensure the safe evacuation in the event of a fire. As such matters are controlled by a separate regulatory process this can only attract very minor weight in the overall planning balance.

- 7.28 With regards to collection of waste streetscene have confirmed that currently collection crews reverse down the side of the existing building to collect waste from the properties at the rear. It is not proposed to differ from this existing arrangements. As the proposal would not require a different service from the existing arrangement it is considered would attract very minor weight in the overall planning balance.

Whilst this application is below the policy threshold for affordable housing, and therefore Housing have not been consulted formally on the proposal, the developer has approached the Housing Solutions team and was interested in working with them to provide accommodation for people in housing need. As such Housing have put forward their support for the proposal and its aims of providing much needed good quality, private rented accommodation in Buckley.

The Community Council has raised concerns that the proposed flats seem too small. The Council does not have a minimum room size policy or guidance and therefore it would be difficult to substantiate a refusal on this basis. However, it is clear that the room sizes appear to be comparable with standard housing and flat layouts received by the Council.

A query has been raised regarding land ownership, and the application area infringing on areas in the ownership of owners of Millers court. The applicant has now submitted the required Certificate B, with the relevant notice served on other parties with an interest in the application land. The granting of planning permission does not invalidate any legal rights that may exist on the land. I do not consider this to be material to the determination of the planning application.

8.00 CONCLUSION

Given the location of the development, and with due regard to the relevant planning policies and to considerations of sustainability this site is considered to be an appropriate location for this form of development and I recommend accordingly.

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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