

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **13<sup>th</sup> JANUARY 2021**

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

**SUBJECT:** **RESERVED MATTERS FOR THE ERECTION OF  
A TWO AND A HALF STOREY BUILDING  
COMPRISING 9 NO FLATS FOLLOWING  
OUTLINE APPROVAL ( 055581)**

**APPLICATION  
NUMBER:** **060614**

**APPLICANT:** **WALES AND WEST HOUSING ASSOCIATION**

**SITE:** **LAND SIDE OF 61 BRUNSWICK ROAD  
BUCKLEY**

**APPLICATION  
VALID DATE:** **26<sup>TH</sup> OCTOBER 2019**

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

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

**REASON FOR  
COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS THE  
IMPACT ON LIVING CONDITIONS OF  
OCCUPIERS OF ADJACENT PROPERTIES**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This reserved matters application proposes the erection of a building to accommodate 9 No flats on land to the side of 61 Brunswick Road, Buckley. Amended plans have been received in progression of the application on which further consultation has been undertaken.

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

That conditional planning permission be granted. subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £733 per flat, the monies being used to enhance toddler play provision at Higher Common Play Area

- 2.01
- 1 Time Limit on Commencement
  - 2 In accordance with approved plans
  - 3 Materials to be submitted and approved.
  - 4 Siting, layout, design of access to be submitted and approved
  - 5 Forming of access not to commence until design has been approved
  - 6 Existing site access that becomes redundant to be re-instated to full kerb height
  - 7 Parking / turning facilities to be provided and retained
  - 8 Construction Traffic Management Plan to be submitted and approved
  9. Existing and finished floor levels

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor M J Peers:

Request planning committee determination in order to assess the impact of development on the living conditions of occupiers of properties at Victoria Court.

Councillor D Hutchinson:

Request planning committee determination in order to assess the impact of development on the living conditions of occupiers of properties at Victoria Court.

Buckley Town Community Council

The following observations are made:-

- i) with reference to the west elevation of the proposed development, the 2 ½ storey building would be overlooking at least 1,2, & 3 Victoria Court
- ii) the overlooking aspect would impact upon the amenity of those three properties and potentially other properties

Highway Development Control

The site has previously had outline permission for the erection of flats at this location and until 2017 was used in connection for the parking of vehicles associated with a taxi business opposite the site. There is currently an application for continued use of the taxi

premises without the use of the land, and there are no objections subject to the imposition of conditions in respect of access, parking and the submission of a Construction Traffic Management Plan.

Community and Business Protection

No adverse comments

Conservation Officer

No objection – considers the scale /form/design of the building to be acceptable at this location.

Public Rights of Way ( PROW)

Public Footpath 25 abuts the site. Applicant may be required to apply for a Temporary Closure Order during construction

Welsh Water/Dwr Cymru

Awaiting Response

Airbus:

No aerodrome safeguarding objection

AURA ( Leisure Services ):

Request the payment of £733 per apartment in lieu of on site Public Open Space. The monies would be used to enhance toddler play provision facilities at Higher Common Play Area.

**4.00 PUBLICITY**

4.01 Press Notice, Site, Notice, Neighbour Notification

No responses received.

**5.00 SITE HISTORY**

5.01 053718 – Outline application for the erection of 9 No two bedroom apartments and associated parking and amenity space.  
Refused 28<sup>th</sup> August 2016.

055581 – Outline application for the erection of two and a half storey flats and associated parking and amenity space on existing vacant land. Granted 26<sup>th</sup> October 2016.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy STR1 – New Development

Policy STR4 – Housing  
Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development Inside Settlement Boundaries  
Policy D1 – Design Quality, Location and Layout  
Policy D2 – Design  
Policy AC13 – Access and Traffic Impact  
Policy AC18 – Parking Provision and New Development  
Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries  
Policy HSG8 – Density of Development  
Policy HE2 – Development affecting Listed Buildings and their Settings.

**Additional Guidance**

Planning Policy Wales ( PPW ) – Edition 10  
Supplementary Planning Guidance Note 2 – Space About Dwellings  
Technical Advice Note 12 - Design

**7.00 PLANNING APPRAISAL**

7.01 Introduction

The site the subject of this application is located on the northern side of Brunswick Road, Buckley, opposite the Tivoli Nightclub a Grade II Listed Building and existing properties 28/30 Brunswick Road. The site which is currently vacant is adjacent to 61 Brunswick Road. To the north –west are existing dwellings 1-3 Victoria Court, to the north 12-14 Pemba Drive and north –east 1-9 Foundry Cottages.

7.02 For members information outline permission was previously obtained under 055581 on 26/10/16 for the erection of a 2.5 storey building on the site, to accommodate 10 No flats. Indicative plans were submitted as part of this application to show how the site could potentially be developed, but as all matters were reserved for subsequent approval, these carried limited weight in the assessment process.

7.03 Proposed Development

The plans submitted as part of this reserved matters application proposes the erection of a total of 9 No flats within a building which comprises :-

- i) a 2 No storey element fronting onto Brunswick Road and
- ii) a 2.5 storey link to the rear of the main frontage

It is proposed that the building be constructed having facing brick external walls and a slate roof.

#### 7.04 Main Planning Considerations

It is considered that the main considerations to be taken in to account in determination of this application focus on:-

- a) Principle of development.
- b) Character and appearance and relationship to existing development including The Tivoli Nightclub which is Grade II Listed,
- c) Impact on the living conditions of occupiers of nearby residential properties
- d) Adequacy of access /parking.

#### 7.05 Principle of development

The site is located within the settlement boundary of Buckley as defined in the Flintshire Unitary Development Plan, and also has the benefit of outline permission for a 2.5 storey residential development. The principle of development is established and attracts considerable weight in the overall planning balance, subject to compliance with development management considerations.

#### 7.06 Character and appearance

It is noted and acknowledged that the site has the benefit of outline permission for the erection of a 2.5 storey building on the site accommodating 10 No flats. This reserved matters application proposes a reduction in this number to 9 units, and the building has been designed so that it is 2 No storey (approximately 8m high) fronting onto Brunswick with a 2.5 storey link to the rear which incorporates a stairwell to serve the units this being approximately 10m in height.

7.07 Consultation on the application has been undertaken with the conservation officer who has critically assessed the proposed scale, design, and massing of the building including its roof profile and considers this to be acceptable and sympathetic to the site its surroundings and its relationship to The Tivoli a listed building.

#### 7.08 Impact on living conditions

It is noted and acknowledged that there are a number of existing properties located adjacent to the application site boundaries and in close proximity to the site. The impact on the living conditions of occupiers of existing and proposed dwellings is of fundamental importance in consideration of this application having regard to Supplementary Planning Guidance Note 2 – Space Around Dwellings ( SPGN2 ).

7.09 Having regard to the above, the separation distances between the frontages of existing properties at 28/30 Brunswick Road and the proposed development would be approximately 21m. In addition

the distance between the closest point of the rear wing of the proposed building to No 3 Victoria Court which shares a common site boundary with the application site would be approximately 22.5m. There is however no direct interface relationship as the properties are on different planes effectively running parallel to each other. This does not therefore trigger the application of SPGN2.

7.10 Whilst properties at Pemba Drive and Foundry Cottages also share common site boundaries with the application site, there is no direct inter-relationship between habitable windows and therefore the application of SPGN2 is not relevant and applicable in this instance.

7.11 Within densely populated urban areas, including on sites where there is a difference in levels, a degree of overlooking is not unusual. It is accepted however that it would be possible from the upper floors of the proposed building to look down on existing properties from an acute angle, but as there is no direct interface relationship between habitable windows this would not it is considered warrant refusal on this basis.

7.12 Adequacy of access /parking  
Consultation on the application has been undertaken with the Highway Development Control Manager, who raises no objection to the development, subject to the imposition of conditions. It is noted by way of the planning history at this location however that the land was previously leased / conditioned for use for the parking of vehicles, in connection with a taxi office operated from a premises adjacent to the Tivoli.

7.13 As the site has been fenced off for security purposes at various intervals since 2017, the taxi business has continued to operate without the use of this area of land for the parking of vehicles. The business have however submitted a further planning application which is under assessment, to enable it to continue, given changes to their operational practice. This is currently being assessed and its acceptability falls to be established as part of this separate process, and not this application.

7.14 In these circumstances it is not considered that this should preclude determination of this application given that outline permission exists on the site, establishing the principle of the proposed development at this location.

## **8.00 CONCLUSION**

The principle of development at this location is not disputed by virtue of the background of planning history as referenced. The scheme as submitted as part of this reserved matters application is

considered to be acceptable in terms of its design, scale and massing and can be supported.

#### 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

**Contact Officer:**

**Telephone:**

**Email:**