

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13TH MARCH 2024**

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

SUBJECT: **CHANGE OF USE FROM VACANT RETAIL AND OFFICES TO A GROUND FLOOR BAR WITH NEW FRONTAGE AND FLATS ON FIRST AND SECOND FLOORS.**

APPLICATION NUMBER: **COU/000751/23**

APPLICANT: **LUCAS HUNTER**

SITE: **19-21 CHURCH STREET, FLINT**

APPLICATION VALID DATE: **30/8/23**

LOCAL MEMBERS: **COUNCILLOR I ROBERTS**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL.**

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the change of use of a current vacant retail and office building at 19-21 Church Street, Flint, into a ground floor bar with flats above on both first and second floors. Amended plans and a noise mitigation statement have been submitted in progression of the application on which further consultation has been undertaken.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION
SUBJECT TO THE FOLLOWING CONDITIONS**

- 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 approved plans and documents:
 - Location Plan
 - AMENDED Proposed Site Plan A023/193/P/01B
 - AMENDED Proposed Elevations A023/193/P/02B
 - AMENDED Proposed Ground / First Floor Plan A023/193/P/04A
 - Proposed Second Floor Plan A023/193/P/05
 - AMENDED Proposed Frontage A023/193/P/06B
 - AMENDED Proposed Noise Mitigation Statement Rev B
 - 3 The proposed Noise Mitigation Measures approved as part of condition 2 of this permission, shall be carried out in accordance with timescales as may be approved in writing by the Local Planning Authority.
 - 4 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system
 - 5 No development shall commence until a scheme of biodiversity net benefit to incorporate bird nesting boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a timetable to be approved in accordance with the approved details or any agreed variation therefrom

3.00 CONSULTATIONS

3.01 Local Member

Councillor I Roberts: Requests a site visit and Planning Committee determination given concerns raised by some local residents, due to the proximity of residential properties on Sydney Street. If approved, he requests the following conditions be placed on the development,

- Access and egress to the proposed sports bar in non - emergency circumstances will be from Church Street with emergency access only permitted to Sydney Street.
- Deliveries to be between specified hours from Sydney Street.
- The current car parking will be retained to allow emergency access to Sydney Street with the 3 bays allocated as one per apartment and 1 management space. This car parking space

will be kept open to Sydney Street to ensure compliance with conditions.

- The smoking area will be the outside space between the former bank and the former Iceland Store. This is located behind the wooden gate which will be retained.
- The playing of music and sound emanating from the sports bar will not be permitted in the smoking area.
- Except for the smoking area there will be no seated outside provision to the rear or side of the premises.

Flint Town Council: Support the application.

Highways Development Control: No objection recognising the sites sustainable town centre location.

Community and Business Protection (Pollution Control): No objection following the submission of a Noise Mitigation Statement which seeks to incorporate measures to minimise the impact of development on the living conditions of occupiers of nearby residential properties.

Welsh Water/Dwr Cymru: Request that any permission includes a condition to prevent any increase in surface water drainage entering into the public sewerage system.

Council Ecologist: No objection subject to the imposition of a condition securing biodiversity net benefit to include for the installation of bird nesting boxes.

Airbus: No aerodrome safeguarding objection.

Built Heritage Officer: Confirm following the receipt of amended plans that the scheme is acceptable and sympathetic to the existing building and Flint Conservation Area.

4.00 PUBLICITY

4.01 Neighbour Notifications were sent to 16 neighbouring and nearby properties. The application was also publicised by way of a Site Notice displayed at the site and a Press Notice.

10 No letters of objection have been received, the main points are summarised as follows:

1. Detrimental impact on the living conditions of occupiers of nearby properties by way of increased noise and disturbance.
2. The proposal will result in exacerbating anti-social behaviour.
3. There are already adequate numbers of public houses/bars within the town.

5.00 SITE HISTORY

- 5.01 041324 - Retrospective application for the relocation of night safe and new door. Approved 19/5/06
- 045666 – Installation of new external staircase. Refused 9/2/09
- 046737 – Installation of new galvanised steel fire escape staircase.
Approved 16/11/09
- 049477 – Erection of new CCTV camera and ATM downlighter.
Approved 25/4/12
- 049478 – Erection of replacement fascia and projecting signs
.Approved 25/4/12
- 062736 – Removal of existing fascia projecting sign, protruding boxing and projecting Barclay’s signage, allow for new fascia to be installed, existing ATM to be removed and opening infilled with render to match existing. Approved 20/9/21.

6.00 PLANNING POLICIES

- 6.01 Flintshire Local Development Plan (LDP)
STR2 – The Location of Development
STR4 – 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
PC3 – Design
PC5 – Transport and Accessibility
PE8 – Development within Primary Shopping Areas
EN8 – Built Historic Environment and Listed Buildings.
EN9 – Development in or adjacent to Conservation Areas.
EN18 – Pollution and Nuisance.

Supplementary Planning Guidance Notes (SPGN)

- SPGN2 – Space Around Dwellings
SPGN6 – Nature Conservation and Development
SPGN7- Conservation Areas
SPGN11 – Parking Standards

National Planning Policy

Planning Policy Wales (PPW) – Edition 12

The National Plan 2020-2040
Technical Advice Note 5 – Nature Conservation and Planning.
Technical Advice Note 8 - Transport
Technical Advice Note 11- Noise
Technical Advice Note 12 – Design
Technical Advice Note 23 – Economic Development
Technical Advice Note 24 – The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Introduction

The frontage of the building the subject of this application is located on the southern side of Chester Street, Flint, its rear elevation and associated parking area being accessed directly from Sydney Street. The site is located within both the town centre and Conservation Area boundaries of Flint as defined in the Flintshire Local Development Plan (LDP).

7.02 The frontage of the building consists of a modern single storey former retail office building that has been built in front of a pair former Edwardian Villas that are also currently vacant. The red brick villas date from 1906, having rich architectural detail including dentilated (toothed) eaves, fret cut barge boards and bold square cast iron rainwater goods.

7.03 Proposed Development

The amended plans submitted as part of this application propose: -
i) conversion of the ground floor of the existing building into a ground floor public bar, with the introduction of a new frontage.
ii) the creation of an associated outdoor drinking /smoking area at the rear/side
iii) change of use of the first and second floors of the building into 2 No 3 bedroom flats

7.04 Amended plans propose as part of the application to provide a total of 4 No car parking spaces accessed directly from Sydney Street, for use by the occupiers of the proposed flats and delivery vehicles.

7.05 Main Planning Considerations

The main considerations to be taken into account in determination of this application include:

- i) Principle of development
- ii) Scale /form/design and impact on the conservation area
- iii) Adequacy of access and parking
- iv) Impact on living conditions

These issues are addressed in further detail below.

7.06 Principle of Development

As referenced, the building and its associated curtilage are located within both the town centre and Conservation Area boundaries of Flint as defined in the LDP. The site is also located within the Primary Shopping Area of Flint, where Policy PE8 seeks to control the loss of retail uses to other uses. However, in this case the premises is a former bank and the proposed change of use does not represent the loss of a retail unit.

7.07 Within the town centre, there is a mix of retail and commercial properties including other public houses. The proposed change of use of a currently vacant building, offers the opportunity to bring the building into use, helping to secure the vitality of the town centre from both commercial and residential perspectives. The principle of development is considered acceptable having regard to Policy PC2 of the LDP, subject to the safeguarding of relevant development management considerations. LDP Policies do not place any restriction on the number of such facilities in town centres in order to allow for choice and competition.

7.08 Scale/ Form/Design

Following consultation with the Council's Built Heritage Officer, amended plans have been received in progression of the application. These have secured improvements to the proposed design and form of the proposed new shop frontage recognising the sites location within the conservation area of Flint. The amendments seek to ensure that the proposed development complements the works previously secured as part of the Flint Townscape Heritage Initiative (THI) and carried out to nearby buildings. The works are therefore supported having regard to Policies PC2, PC3 and EN9 of the LDP.

7.09 Adequacy of Access and Parking

Consultation on the application has been undertaken with Highways Development Control, who raise no objection to the development recognising the sites sustainable town centre location.

7.10 Amended plans received in progression of the application propose the provision of 3 No parking spaces for use by the occupiers of the proposed flats. The number of spaces takes into account the position of 2 No existing bollards that are set behind the back edge of the footpath at this location, which impact on the manoeuvrability of vehicles accessing the site from Sydney Street. The provision of 3 No spaces, allows a safe access into these spaces to be achieved, there being no objection to the parking proposed from a highway perspective recognising the sites sustainable town centre location and an existing public car park within approximately 19m of the application site.

7.11 Impact on Living Conditions

Of particular importance in consideration of this application is ensuring that the living conditions of the occupiers of nearby residential properties are safeguarded as part of the proposed development.

7.12 The application proposes that the hours of operation of the bar are as follows:

Monday – Saturday: 12:00 – 23:00

Sunday: 12:00 – 21:00

7.13 There are however a number of residential properties located at Sydney Walk, on Sydney Street, that are within approximately 17m of the application site. The concerns raised in relation to potential noise and disturbance associated with the proposed sports bar use are noted

7.14 In recognising the relationship of the site to these existing properties and following consultation with the Council's Community and Business Protection Service (Pollution Control), Noise Mitigation Measures initially proposed to seek to address the concerns raised included :

- The outdoor area being used only during the hours of 12:00 – 22:00 Monday to Saturday and 12:00 – 21:00 Sunday.
- There being no outdoor speakers or TV's.
- All windows to the beer garden being closed when not in use.
- Notices asking patrons to please respect neighbours and keep noise to a minimum being visible in the beer garden and entrances.
- Routine monitoring to be carried out by staff.

7.15 It has been confirmed by Pollution Control, that the above measures are acceptable to seek to address the concerns raised, but in light of additional measures requested further to the consultation exercise undertaken, the applicant has submitted a revised Noise Mitigation Statement to also include the following additional measures :-:

- Restrictions over hours of delivery to the premises from Sydney Street to be between 0800-1800 hours Monday – Saturday with there being no deliveries on Sundays.
- Restricting access/egress to the bar from onto Sydney Street to emergency situations only.
- The smoking area will be the outside space between the former bank and former Iceland Store located behind the wooden gate which will be retained.
- Except for the beer garden to the side, there being no outside seating provision to the rear or side of the premises.

7.16 It is considered that the revised Noise Mitigation Measures that are now proposed, have taken into account the concerns raised and can be secured by condition against which any breaches can be monitored and potentially enforced by the Council in the future.

7.17 Other Matters

Planning Policy Wales (PPW12) has confirmed the requirement for development to deliver Biodiversity Net Benefit recognising that this should be proportionate the development proposed.

7.18 Consultation on the application has been undertaken with the Council's Ecologist who advises that for a building in an urban area, bird boxes represent the best option. There are records for house martin, swifts and house sparrow in the immediate locality which will use appropriate boxes, appropriately located under the eaves of the building. This can be secured by the imposition of a condition.

8.00 CONCLUSION

It is considered that the proposal is acceptable and supported in accordance with the relevant Local Development Plan policies. The scheme secures an acceptable commercial /residential conversion of an existing vacant building within both the town centre and conservation area boundaries of Flint, where there are a mix of uses.

It is acknowledged that there are a number of residential properties located in proximity to the site where it is important to seek to safeguard the living conditions of existing occupiers. On this basis and having considered the objections received and all other matters, which have been addressed through the submission of a Revised Noise Management Statement , it is recommended that planning permission is granted.

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: Robert Mark Harris

Telephone: 01352 703269

Email: Robert.M.Harris@flintshire.gov.uk