

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **15<sup>TH</sup> JANUARY 2014**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **CHANGE OF USE TO SMALLER A1 USE AT GROUND FLOOR AND 2 NO. ONE BEDROOM APARTMENTS TO THE REAR OF THE EXISTING BUILDING ALLOWING FOR NEW APARTMENTS AT GROUND FLOOR AT 79 CHESTER ROAD WEST, SHOTTON.**

**APPLICATION NUMBER:** **051378**

**APPLICANT:** **MR & MRS MUGGLETON**

**SITE:** **79 CHESTER ROAD WEST, SHOTTON.**

**APPLICATION VALID DATE:** **18<sup>TH</sup> OCTOBER 2013**

**LOCAL MEMBERS:** **COUNCILLOR MRS A MINSHULL**

**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**

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

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

**1.00 SUMMARY**

- 1.01 This application is for change of use of part of the ground floor shop to form two, one bedroom apartments at 79 Chester Road West, Shotton, Deeside.
- 1.02 The main issues for consideration are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area, the provision of public open space and the effects upon the amenities of adjoining residents and wildlife.

1.03 The premises is located outside of the core retail area and only involves partial loss of the retail area, is located in a sustainable location and does not require any off street parking, with the external alterations matching those of the existing, and will not have a significant detrimental impact upon the amenities of the adjoining residents.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106/Obligation/Unilateral Undertaking or making direct payment to provide the following:-

- a. Payment of £733.00 per residential units in lieu of on site public open space. The payment would be used to enhance existing recreation facilities in the community and to be provided upon 50% sale or occupation of the development.

If the Obligation/Unilateral Undertaking or direct payment is not completed/made within 6 months of the date of the committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

The proposal is recommended for approval subject to the following conditions:-

**Conditions**

1. Time limit on commencement.
2. In accordance with approved plans.
3. Land drainage run-off not to discharge into public sewerage system.
4. No surface water to connect, to the public sewerage system unless otherwise approved by Local Planning Authority.
5. Foul water and surface water discharges to be drained separately from the site.

**3.00 CONSULTATIONS**

3.01 **Local Member**

**Councillor Mrs A. Minshull**

Requests that the application be referred to Planning Committee. The reasons being she is against the application, losing retail space, turning into residential properties by stealth and parking is a problem with the new enforcement laws.

**Shotton Town Council**

Object to this application due to concern of losing a High Street shop frontage and parking problems.

Head of Assets and Transportation

No objection to the proposal and confirms do not intend to make a recommendation on highway grounds.

Head of Public Protection

No adverse comments.

Head of Economic Development

Carefully managed transition of outlying areas of town centres to alternative uses should be supported. A mixture of uses should be considered that will generate footfall and support the retail provision, commercial, service provision and residential.

Site is located in the main retail area of Deeside and is not in the outskirts of the town. Application needs to be carefully considered to prevent a gradual weakening of the linkage between Shotton and Connah's Quay – reducing the likelihood of linked trips between the two centres through the removal of footfall generating uses.

Further consideration is design of the conversion to ensure does not detract from the streetscene. As does the remaining commercial unit to ensure it creates a viable business location.

Public Open Spaces Manager

Council should be seeking payment of £733 per residential unit in lieu of on site P.O.S. The payment would be used to enhance existing recreation facilities in the community.

Welsh Water/Dwr Cymru

Advise that suggested conditions and notes are placed upon any planning permission granted.

Natural Resources Wales

Advise to consult with your internal ecologist with regards to the potential impact of the proposed development on the favourable conservation of population of bats.

**4.00 PUBLICITY**

**4.01 Site Notice, Neighbour Notification**

One letter of objection received. The grounds of objection being:-

- Parking is already a major issue on Rowden Street and will be more of an issue with additional properties needing parking facilities. Street is at junction of the main road and is used by commercial vehicles for the delivery of goods to these premises. Customers visiting commercial premises on main street also use

Rowden Street for parking and this is throughout the day and night which further decreases the parking available for residents.

- Noise – Currently people from the current flats congregate near to the adjoining resident's front room window. Location of new entrance would lead to people congregating outside the front and side of the property.

## **5.00 SITE HISTORY**

5.01 **47993** – Conversion of first floor to form 4 No. self contained apartments and erection of pitched roof over unsatisfactory flat roof – Granted 15<sup>th</sup> March 2011.

**96/10/00307** – Replacement of display windows and door – Granted 29<sup>th</sup> July 1996.

**4/1/9620** – Extension to premises for stores and sales area – Granted 2<sup>nd</sup> June 1981.

**4/1/4964** – Extension to form covered store room – Granted 1<sup>st</sup> June 1978.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR5 – Shopping Centres & Commercial Development.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

WB1 – Species Protection.

AC13 – Access & Traffic Impact.

HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

EWP13 – Nuisance.

The premises lies outside of the town centre core retail area, therefore in planning policy terms, there is no need to retain this part of the retail unit. The remaining part of the retail unit is to be retained for such a use. It is also located within the settlement boundary of Shotton which is classed as a 'Category A' settlement and therefore, the part change of to residential units are also considered acceptable in relation to HSG3 of the Flintshire Unitary Development Plan.

## **7.00 PLANNING APPRAISAL**

7.01 Site Description & Proposals

The site comprises of the rear part of the existing ground floor

premises of Quay Carpets which is located on Chester Road West, Shotton.

7.02 The building is two storey, of a modern design, constructed of red/brown wire cut brick walls with a flat roof. At first floor level are four flats with car parking of 3 spaces at the rear.

7.03 It is located on the corner of Chester Road West with Rowden Street, Shotton. It forms the eastern end of a row of existing buildings which are used for non-retail purposes on the southern side of Chester Road West. To the south, lie existing residential properties.

7.04 The proposal is to change the use of the existing rear ground floor from retail to form two separate apartments. An additional entrance door and windows are to be created at ground floor to the side and rear elevations of the building to form these two residential units.

7.05 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 highway implications, the effects upon the visual appearance and character of the area, and the provision of public open space, the effects upon the amenities of adjoining occupiers and wildlife.

7.06 Principle of Development

The site lies approximately 12 m from the western edge of the town centre core retail area of Shotton as defined within the Flintshire Unitary Development Plan and therefore in planning policy terms, there is no need to retain this part of the unit for retail purposes. The premises immediately to the west is a non-retail unit as are the other buildings within this row to the west on the southern side of Chester Road West.

7.07 Whilst the town centres in Flintshire have to some extent fared better than their comparators in the UK with lower vacancy rates, there is a national decline in retailing in lower order town centres. Changing consumer behaviour in favour of supermarkets, out of town retail parks and the internet is dramatically changing the face of town centres.

7.08 The challenge for each town is that they are left with a far larger stock of retail properties than can be sustainably supported in the future. Whilst it is essential that the core retail areas in the towns are safeguarded to maintain their viability through a critical mass of footfall – generating uses, the conversion of outlying areas to non-retail uses is inevitable.

7.09 Notwithstanding the above, it must be remembered that it is only the rear part of this existing retail unit that is to be changed with the front

part on to the main street remaining as retail. Although reduced in size for retail purposes, the existing operator considers that this is sufficient for the needs of the business.

7.10 The site is also located within the settlement boundary of Shotton, which is classed as a 'Category A' settlement and therefore the change of use to two residential units is also considered acceptable in relation to HSG3 of the Flintshire Unitary Development Plan.

7.11 Highway Implications

It is proposed not to provide any on site off street car parking spaces with this development. It is considered not necessary to provide any given its sustainable location close to existing employment, and retail uses, bus services and car parks. As a result the Head of Assets & Transportation has no objections.

7.12 Character & Appearance of Area

It is proposed not to make any external alterations to the front of the building onto Chester Road West. An additional entrance door and windows are to be positioned, however, at ground floor upon the side (Rowden Street) and rear elevations. Given that both the entrance door and windows will match those of the existing, it is considered that the proposals will not have a significant detrimental impact upon the character and appearance of the area.

7.13 Public Open Space

In accordance with both Policy SR5 and Local Planning Guidance Note No.13 Open Space Requirements, the Public Open Spaces Manager requires payment of £733 per residential unit in lieu of on site P.O.S. The payment will be used to enhance existing recreation facilities within the community.

7.14 Impact upon Amenities of Adjoining Residents

Given both the position and distance away of the new windows from the existing nearby residents, it is considered that there will be no significant loss of privacy to both the existing and proposed occupiers.

7.15 In terms of existing and proposed noise nuisance, public protection have received no existing complaints from residents regarding the existing flats at first floor level and raise no objections to these proposals. Any public order offences would be dealt with by the Police.

7.16 Wildlife

As the site is located in an urban area and involves change of use of part of the existing ground floor only it is unlikely that any protected species e.g., bats and breeding birds are to be detrimentally affected.

**8.00 CONCLUSION**

- 8.01 For the reasons above, it is considered that the proposals are acceptable in terms of the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the effects upon the amenities of adjoining occupiers and wildlife.
- 8.02 In considering this planning application 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.

**Contact Officer:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** Alan.wells@flintshire.gov.uk