

FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH APRIL 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 33 NO APARTMENTS WITH ASSOCIATED CAR PARKING AT THE ALBION SOCIAL CLUB, PEN Y LLAN CONNAH’S QUAY**

APPLICATION NUMBER: **054607**

APPLICANT: **STAR BLUE ASSOCIATES**

SITE: **ALBION HOTEL, PEN Y LLAN CONNAH’S QUAY**

APPLICATION VALID DATE: **17.11.15**

LOCAL MEMBERS: **COUNCILLOR BERNIE ATTRIDGE**
COUNCILLOR AARON SHOTTON

TOWN/COMMUNITY COUNCIL: **CONNAH’S QUAY**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **UNDERTAKEN ON 21ST MARCH**

This application was deferred from consideration at Planning and Development Control Committee on 23rd March in order for further consultations to be undertaken with waste management. The applicant is proposing a private waste collection as the roads are not to adoptable standard and the Council’s largest refuse vehicle would not be able to enter the site and egress in a forward manoeuvre.

A meeting has been held with waste management to discuss safeguarding the Council’s position if the management company failed and we were in a position where we were obliged to collect the refuse from the site under our statutory obligations. A clause has been added to the S106 requirement to ensure that the Council can review the management agreement to ensure it includes refuse collection.

However if this failed then the Council has control over the hard surfacing through condition and can ensure that this is constructed to a standard that is suitable for refuse vehicles.

1.00 SUMMARY

1.01 This is a full planning application for 33 apartments with associated access and parking, cycle and refuse storage. The proposed scheme would create a form of development both in layout and design terms which would improve the residential amenity of the existing residents and would create an attractive living environment for the proposed 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 earlier payment of monies to provide the following;-

- An off –site commuted sum of £733 per unit in lieu of on-site provision to improve the junior play facilities at Central Park, Connah’s Quay
- A contribution of £98,056 is required towards educational enhancements at Golftyn Primary School
- A commuted sum of £360,000 to facilitate access to affordable housing in Connah’s Quay
- Local Planning Authority review terms of the proposed management agreement for the apartments in order to ensure that it requires private refuse collection.

1. Time Commencement
2. In accordance with plans
3. Details and locations of cycle stands/shelters
4. Details of foul, surface water and land drainage to be submitted
5. Materials
6. Hard and soft landscaping including boundary treatment and surfacing of roadways and parking and turning areas
7. Enhanced double glazing for block A for bedroom and living room windows facing onto Church Street
8. Scheme for the re-alignment of the access
9. Works to the access to be completed prior to the commencement of other works on site
10. Design of access

11. Gates to be set back a minimum distance of 5.0m from the edge of the existing carriageway
12. Parking and turning facilities to be provided and retained
13. Positive means to prevent surface water run-off onto the highway
14. Construction Traffic Management Plan
15. Details of cycling stands/shelters
16. Travel Plan

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Bernie Attridge

Requested a site visit and objects to the application on the following grounds;

- Car parking spaces - appreciate it is classed as Town Centre location but the nearest car park is some distance away so will have a detrimental effect to area.
- Consider the site is still an over development

Councillor Aaron Shotton

No response received at time of writing.

Connah's Quay Town Council

Objects on the grounds that it is an inappropriate development and a site visit is requested.

Highways Development Control Manager

As a private refuse collection is proposed there is no need within the layout to accommodate the Council's large refuse wagon and the provision of turning facilities as shown to accommodate a smaller vehicle is acceptable. The changes to the car parking layout are now acceptable. While the provision of 42 spaces is below the maximum set out in Local Planning Guidance Note 11 it would appear a reasonable number considering the location of the application site subject to justification of this level of provision.

No objection subject to conditions covering;

- Scheme for the re-alignment of the access
- Works to the access to be completed prior to the commencement of other works on site
- Design of access

- Gates to be set back a minimum distance of 5.0m from the edge of the existing carriageway
- Parking and turning facilities to be provided and retained
- Positive means to prevent surface water run-off onto the highway
- Construction Traffic Management Plan

Public Protection Manager

No objections in principle, however the noise levels from traffic on Church Street are such measures are necessary to protect the residents of block A in accordance with the requirements of TAN11: Noise. A condition is recommended to require a scheme of enhanced double glazing for block A.

Welsh Water/Dwr Cymru

No objections subject to standard conditions covering foul, surface water and land drainage.

Natural Resources Wales

No objection.

Clwyd Powys Archaeological Trust

There are no Archaeological implications however the eastern stone boundary wall, may be part of the curtilage of the adjacent listed church and vicarage and should be preserved within the proposed development scheme.

Head of Play Unit

In accordance with Local Planning Guidance Note No 13 the Council should be seeking an off-site contribution of £733 per apartment in lieu of on-site public open space. This would be used to enhance existing junior play facilities at Central Park, Connah's Quay.

Education

The nearest Primary School to the development is Golftyn County Primary School which has 391 children on role and a capacity of 404 children. At present it has 3% surplus places. A development of this scale would generate 8 pupils. As the school has less than 5% surplus spaces a contribution of £98,056 is required based on the pupil multiplier of £12,257 per pupil.

The nearest Secondary school is Connahs' Quay High School which has 15% surplus spaces. A development of this scale would generate 6 pupils which would not reduce the number of surplus spaces below the 5% trigger. A contribution towards secondary provision is therefore not required.

Housing Strategy Manager

Consider due to the nature of the scheme as a private apartment development that a commuted sum would be the best option. This has been calculated based on an estimated sales value of £120,000. 30% of £120K =£36K x 10 = £360,000.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

5 objections on the grounds of;

- Enough flats/apartments in this area
- Not enough parking spaces
- Need for pensioners bungalows and town houses
- The height of the buildings would have an impact on the privacy of the surrounding properties
- The development is on a busy road and the access is adjacent to a layby which is regularly used by the church and other residents. This restricts the visibility from the access on to a busy road.
- Will lead to on-street parking
- Overlooking of rear gardens
- Concern more apartments will lead to an increase in crime
- Loss of light
- Over dominance
- Noise
- Impact on the character and appearance of the area
- Pedestrian safety due to increased use of access and traffic

5.00 SITE HISTORY

5.01 053425 - Erection of 36 apartments in 6 three and four storey blocks with associated access and car parking Withdrawn 24.09.15

046886 - Erection of a smoking shelter. File closed 29.01.10

Extension to existing sports and social club Approved 03.09.91

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

WB1 - Species Protection
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
HSG3 – Housing on Unallocated within settlement boundaries
HSG8 - Density of Development
HSG10 – Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
S11 – Retention of Local Facilities

Local Planning Guidance Note 2 : Space Around Dwellings
Local Planning Guidance Note 11: Parking spaces
Local Planning Guidance Note 13: Open Space Requirements
Local Planning Guidance Note 23 : Education Contributions
TAN11: Noise

The application is in accordance with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for 33 apartments with associated access and parking, cycle and refuse storage on 0.28 hectares at the Albion Hotel, Church Street, Connah's Quay.

7.02 Site Description

The application site lies within Connah's Quay off Church Street. It is bounded to the north west by the residential development on Pen y Llan Street which is in the form of terraced housing. To the north east the site is bounded by Osbourne Court which are semi-detached houses. To the east of the site is St. Mary's Church and The Vicarage which are both Grade II Listed buildings. To the south of the site are detached residential properties.

7.03 The site is currently occupied by the Albion Hotel which is a large two storey building occupying the south west of the site and abuts the existing residential properties on Pen y Llan Street. The hotel has been extended with two storey hotel accommodation forming the north western boundary with the alley way between the rear yards of Pen y Llan Street and the site boundary. The remainder of the site is car parking.

7.04 Proposed Development

It is proposed to provide 33 two bedroom apartments. These are within five separate blocks of two and a half storeys. It is proposed to provide 33 resident car parking spaces and 9 visitor spaces with amenity areas, cycle shelters and refuse store. The proposed apartments are red brick with a slate roof. The refuse store is

5.8metres by 4.5metres and would be a brick building with a pitched tiled roof and wooden doors.

7.05 Issues

The main issues are the scale and nature of the development, impact on residential amenity and highways impacts.

7.06 Principle of development

The site is situated within Connah's Quay which is a town and designated as a Category A settlement within the Flintshire Unitary Development Plan. The site was formerly used as a hotel and social club which is now vacant. The loss of this facility under policy S11 is accepted as the site is within a town centre with other such facilities.

7.07 The site is a brownfield site located in a sustainable location and therefore is in accordance with the principle of Planning Policy Wales Edition 8 2016. The application site is also surrounded by residential properties and it is considered that a residential use would be more appropriate in this location.

7.08 Scale and nature of the development and impact on residential amenity

The surrounding area is a variety of types ranging from traditional two storey terraced housing and semi-detached properties to three storey block of flats. To the south east of the site is St. Mary's Church and graveyard and the adjacent vicarage, which is a large two storey house and outbuildings in its own grounds. The proposed development is of traditional design with the use of bricks and slate with cill features and traditional gables in the roof. The design of the building has taken features from the traditional properties in the area.

7.09 This application is a resubmission of application 053425 for 36 apartments which was withdrawn following concerns raised over the number of units and the form of development. The proposed scheme has evolved through detailed discussions with the agent to reduce the massing of the development from the initial three and four storey blocks. The siting of the apartment blocks has also been carefully considered both in terms of the impact on the existing surrounding properties and to create an attractive living environment for the proposed occupiers.

7.10 In terms of the density of the scheme, the site is 0.28 hectares so 33 apartments equates to 117 dwellings per hectare. This is a high density scheme however it is within an urban area where it is considered to be acceptable subject to the form and design of the development.

- 7.11 Block A provides some frontage development and adds to the street scene by continuing the building line along Church Street. Blocks B, and E have been orientated with the principle elevations and living areas facing the communal parking areas to provide natural surveillance with bedrooms at the rear facing the existing residential properties and a more private aspect. Blocks C and D have been sited to overlook the amenity space which is bounded by the existing stone/brick wall of the grounds of the Vicarage. The blocks have been located to minimise the impact on the existing residential properties by removing all built development from the north western boundary and also respecting the Listed buildings to the south east.
- 7.12 The side elevations of blocks B and E face Pen y Llan Street and are approximately 12 metres from the habitable rooms in the nearest properties. The current accommodation for the Albion Hotel is situated on the boundary with the alley way separating the site with the rear gardens of Pen y Llan Street. The existing accommodation is 10 metres from the habitable rooms of the existing buildings and has habitable rooms which directly overlooks the existing properties. The proposed block therefore greatly improves the residential amenity of these residents by moving the built form further away from the existing properties and removing any overlooking. Block C within the centre of the site has habitable rooms overlooking Pen y Llan Street but these have separation distances of 22 metres from any habitable rooms. It is therefore considered that the proposed scheme accords with Local Planning Guidance Note 2: Space Around Dwellings.
- 7.13 The scheme also provides for a refuse store which located within the site adjacent to the north west boundary. This would be a physical structure with the bins located within it to reduce any adverse impacts form odour or litter. The location and details of the cycle stands/shelters would be agreed by condition.
- 7.14 Affordable Housing
Housing Strategy have considered the housing need in Connah's Quay and consider due to the nature of the scheme as a private apartment development that a commuted sum would be the best option. This could be invested into the SHARP programme which has three identified schemes in Connah's Quay and/or to assist facilitating access to affordable housing through other mechanisms such as deposit assistance
- 7.15 This has been calculated based on an estimated sales value of £120,000. If the dwellings were sold at 70% discount market value it was the 30% reduction based on £120,000 =£36,000 x 10 = £360,000. The applicant is agreeable to this.

- 7.16 Access
The site currently has a use as a hotel and social club with 40 car parking spaces and has the potential to be used for another use within the same Use Class for hotels (C1) or social club (A3) which would generate similar vehicle's movements.
- 7.17 The proposed access would provide a pedestrian crossing point and would have gates set back within the site to allow vehicles to pull in clear of the carriageway. Sufficient manoeuvring space is provided within the site for delivery vehicles to turn and to avoid reversing out onto the highway.
- 7.18 Highways raise no objections to the proposed use subject to conditions covering access and parking details and a construction traffic management plan.
- 7.19 Parking
The proposal has 33 spaces with one for each apartment and 9 visitor spaces. The level of car parking is below the maximum parking standards set out in Local Planning Guidance Note 11 which requires 1.5 spaces for apartments. This would equate to 50 spaces as opposed to the 42 proposed. However this is justified as the site is located within Connah's Quay which is a main settlement within the Flintshire Unitary Development Plan. The nearest bus stop is within 100 metres of the site entrance near to the former Swan Inn. There is also access to the rail network from Shotton Station which is approximately 2km away and is accessible by public transport.
- 7.20 S106 Contributions and CIL Compliance
The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the 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.
- 7.21 An off –site commuted sum of £733 per unit in lieu of on-site provision to improve the junior play facilities at River View, Connah's Quay is required. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off site open space

contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.

7.22 A contribution of £98,056 is required towards educational enhancements at Golftyn Primary School. This is in accordance with Local Planning Guidance Note 23: Education Contributions. There have not been 5 contributions towards this project to date.

7.23 A commuted sum of £360,000 to facilitate affordable housing is requested. This is in accordance with Local Planning Guidance Note 9: Affordable Housing.

7.24 It is considered that all of these contributions meet the Regulation 122 tests.

8.00 CONCLUSION

8.01 The proposed scheme would create a form of development both in layout and design terms which would improve the residential amenity of the existing residents and would create an attractive living environment for the proposed residents.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk