

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD MARCH 2021**

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

SUBJECT: **FULL APPLICATION- CHANGE OF USE FROM FORMER BANK [A2] TO RESIDENTIAL DEVELOPMENT [C3] AND CONVERSION OF BUILDING TO SIX APARTMENTS.**

APPLICATION NUMBER: **061618**

APPLICANT: **FOUR SQUARE NW LTD**

SITE: **2 MOLD ROAD, BUCKLEY**

APPLICATION VALID DATE: **10th AUGUST 2020**

LOCAL MEMBERS: **COUNCILLOR MRS C ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST SHORTAGE OF RETAIL SITES IN BUCKLEY. WORK HAS STARTED ON THE SITE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the Change of use from former bank [A2] to residential development [C3] and conversion of building to six apartments at 2 Mold Road, Buckley.

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, or up-front payment, 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. In accordance with approved plans
3. External Materials
4. Noise Impact Assessment to be submitted and any recommended mitigation measure implemented in perpetuity thereafter
5. Submission of risk assessment to protect integrity of public sewer crossing site
6. No surface water from increased roof area or impermeable surface to connect to public sewerage network

3.00 CONSULTATIONS

3.01 Local Member

Requests committee determination. Is aware that work has been taking place here, including work that should have had an input at the time from Highways as there have been issues with the highway and paths.

There is a shortage of retail sites in Buckley.

Buckley Town Council

Object on the following grounds:

1. Building work carried out on the property so the application should be seen as retrospective
2. Represents a further diminution of the retail/commercial offer in the town centre
3. No parking provision
4. The building has always been a commercial property and should remain so
5. Home offices could be turned into second bedrooms which could attract families to development
6. Developer has carried out development almost to fruition prior to making planning application
7. At time of writing Town council clerk is waiting on advice from Enforcement officer regarding carrying out of work without planning permission

Highway Development Control

No objection to proposal and make no recommendation on Highways grounds

Community and Business Protection

No objections in principle to this application. However, there may be potential noise issues that will need to be addressed should approval be granted.

Specific measures (particularly to windows) are likely to be necessary to protect the amenity of the future residents.

Therefore, in line with what has been recommended for other such applications a condition requiring a Noise Impact Assessment, with recommendations, if made to be implemented.

Welsh Water/Dwr Cymru

No objection. Requests conditions and advisory notes

Natural Resources Wales

We have no objection to the proposed development as submitted.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

1 Letter of objection received

- No parking
- Work already being undertaken
- Buckley needs offices and shops not flats

5.00 SITE HISTORY

5.01 No relevant site history

6.00 PLANNING POLICIES

- #### 6.01
- Flintshire Unitary Development Plan
 - STR1 New Development
 - STR4 Housing
 - GEN1 General Requirement for Development
 - GEN2 Development Inside Settlement Boundaries
 - D1 Design Quality, Location and Layout
 - D2 Design

HSG3 Housing on Unallocated Sites Within Settlement Boundaries
SR5 Outdoor Play Space and Residential Development

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal is a change of use from former bank [A2] and conversion of the adjacent building to create six, one-bedroom self-contained apartments, three of which have a home office.

Site

The application site is the former Lloyds Bank building located on the corner of the Mill Lane Junction in Buckley. The Bank building was built in 1893 and is an attractive and distinctive feature within the Streetscene. The Bank closed in 2018.

The Local Member has made reference to work carried out on the property. It should be noted that any work carried out upon the building by the owner to date is work that did not require planning permission and there is no breach of planning control. In any case, this is not a matter with any material significance on the development proposal.

Principle

The property lies within the defined boundary of Buckley Town Centre but is outside of the Core Retail Area in the adopted UDP. There is therefore no policy control over a change of use in this location. It should be noted that Welsh Government encourages a range of uses in town centres and that this can include residential. The property is not listed but it is an attractive building in a prominent position and has a particular character and features which should be retained as part of the conversion scheme.

The Local Member and Town Council have raised the issue of their being a lack of retail sites in Buckley. Whilst the current A2 use would allow for a permitted change of use to A1 (retail), there is no policy basis to require this given the location of the site outside of Buckley's core retail area, as noted above.

The internal layout of the building would make adaptation into a modern retail unit, for example, prohibitively expensive and would no doubt require the removal of a large number of the original period features of the building. I suggest that the current proposal, which is a thoughtful conversion scheme which retains as much of the original character of the building and which is supported by local and national planning policy, is an appropriate re-use of the site and should be supported on this basis.

Character and appearance

The building is historic in date and is located in a prominent position adjacent to Buckley Town Council Offices and Library, which is a Grade II Listed Building, and Buckley baths, which is a Building of Local Interest (BLI). The bank has been closed since 2018 and it is considered that an appropriate use and sympathetic conversion will help to preserve this important building within the Streetscene.

The main element, the former bank, is an attractive building constructed from red crick with period features such as mullioned windows. The conversion retains these original features, including retaining the original bank entrance with a false door frontage. No new openings are proposed and the conversion has been designed to be as sympathetic to the original building as possible. The resultant scheme will be an attractive feature within the Streetscene that pays suitable homage to its previous use.

The building has remained vacant for over 18mths and it would appear it is not attractive to current commercial investors for business uses. The proposal will repair the building and bring it back into use adding vitality to the location. If the building remains unoccupied it will inevitably deteriorate and the interesting architectural features maybe lost.

Conservation officers initially had concern over the proposed remodelling of the barge boarded gabled elevation of the building that is closest to the listed town council offices. It is evident that this part of the building was formally part of the adjacent terrace of shops as it has the same 'Buckley' red brick facing with elegant dentil detail at the eaves and to the underside of the barge boards all of which share the same slate roof. The proposed treatment of this elevation has been altered and it is considered that the scheme as amended, which retains the brick façade and shopfront, is appropriate for this location, retaining the key architectural and historic features of the existing building.

Living conditions for future occupiers

The existing building is well located to ensure that there are no interface issues arising from the proposed new use. The development utilises existing window openings and does not introduce any new openings that may give rise to any overlooking issues. The windows to the south of the site face single storey commercial properties on Mold road, to the East is the side elevation of Big Fish 2 which is located over 16 meters away on the other side of Mill Lane. I do not consider there to be any interface issues, or loss of residential privacy arising from the proposed new use.

The proposal reinstates a previously covered over courtyard, which is an original feature of the building, and this enables internal light and a limited outlook to be achieved for the internal rooms in the flats. In flat 1 sunpipes have been introduced to enable natural light into the flat where it is not possible to have windows. The Bedroom of Flat 3 and bathroom of Flat 2 are the only rooms across the development without windows facing the external spaces outside of the development. In the case of Flat 3 there are windows in all other rooms and the flat will otherwise benefit from a great deal of natural light. It should be noted that every flat in the development has the benefit of windows with an outlook onto the street and the flats are generally well served by natural light.

Given the location of the building at a highways intersection there may be potential noise issues that will need to be addressed should approval be granted. In order to ensure whether there are any noise issues which may unacceptably impact upon the living of future residents a condition is imposed requiring a Noise Impact Assessment. The assessment will be required prior to the occupation of the units. This report will identify if there are any noise issues and recommend any measures reasonably required to mitigate against the impact of noise on the development. These measures would need to be implemented prior to the occupation of the units and retained thereafter.

There is limited outside space available for the drying of clothes and the storage of bikes in the yard and courtyard at the rear of the development. There is a separate bin storage area, this is located in the area previously used for bin storage although the proposal enhances this area.

Highway Matters

The proposal does not provide any on or off site parking in association with the development. In accordance with Policy AC18 of the Flintshire Unitary Development Plan, and SPGN11- Parking standards, the maximum number of spaces required for 6 flats is 9, namely 1 space per flat and 1 visitor space per 2 flats. The UDP policy, however, specifically mentions that a reduced requirement will be applied in town centre locations. The SPGN states that "Within town centres, as defined in the UDP, operational parking (that is for servicing) shall normally be all that is required, having regard to planning policy objectives to maintain viability and vitality of town centres."

It is also relevant to note that the previous use of the building, as a Bank with Offices above, would require a parking provision of 15 spaces calculated as 1 space per 20m² of gross floor area.

A Planning Inspector, when considering the nearby appeal at Windmill, Mill Lane noted the town centre location and availability of public car parks in the vicinity. She did not find that there was a valid objection to a lack of parking provision at that location. Whilst that particular development did include an element of parking by virtue of its existing car park facility these comments are applicable to the site subject to this report as it underlines the sustainable location from a parking perspective. As such I do not consider that the lack of parking is a material consideration for this particular proposal as it is compliant with the relevant policies and guidance.

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.

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

However, as no Public Open Space (POS) provision is provided on site by the development and 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. This can either be provided through a legal agreement or as an upfront one-off payment.

The closest play area is Higher Common Play Area. It has been confirmed that the pooled contributions thresholds have not been exceeded with regards to Higher Common Play Area.

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

8.00 CONCLUSION

The proposed change of use is acceptable in principle and will bring a new use into a currently empty building that is supported by national policy. The building is locally significant and is an attractive feature within the street scene which the proposal will preserve and enhance. The development proposes no associated parking but this is acceptable and in accordance with the relevant policies and supplementary guidance given its town centre location.

I consider the proposal to be acceptable and in accordance with the applicable Unitary development plan policies and as such I recommend that the proposal should be approved subject to the conditions and legal agreement outline in paragraph 2.01

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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