

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26th JUNE 2019**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF
14 NO. DWELLINGS AT SHOTTON LANE SOCIAL
CLUB, 72 SHOTTON LANE, SHOTTON.**

**APPLICATION
NUMBER:** **059474**

APPLICANT: **MR SHANE WILLIAMS**

SITE: **SHOTTON LANE SOCIAL CLUB, 72 SHOTTON
LANE, SHOTTON**

**APPLICATION
VALID DATE:** **28TH JANUARY 2019**

LOCAL MEMBERS: **COUNCILLOR D EVANS**

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

**REASON FOR
COMMITTEE:** **MEMBER REQUEST DUE TO CONCERNS OF
HIGHWAY SAFETY AND PARKING**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application with all matters reserved for subsequent approval. It proposes the erection of 14 No. on land at Shotton Lane Social Club, 72 Shotton Lane, Shotton.
- 1.02 Whilst all matters are reserved, the applicant has provided an indicative series of drawings indicating how the site may be developed. Members are reminded that these details are purely indicative.

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

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement or providing a unilateral undertaking which provides for the following;

1. Ensure the payment of a commuted sum equivalent to £1,100.00 per dwelling in lieu of on-site play and recreation provisions. Such sum to be paid to be used as a contribution towards the enhancement of existing recreation facilities at North Street Children's Play Area, Shotton. Such sum to be paid upon occupation of 50% of the approved dwellings.

Conditions

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of existing and proposed floor levels to include site sections
5. Land Contamination Site Investigation
6. Drainage Scheme
7. Siting, layout and design of the means of site access
8. Forming and construction of means of site access
9. Visibility splays of 2.4m x 43m in both directions from Shotton Lane
10. Visibility Splays shall be made available and kept free from obstruction
11. Submission of detailed siting, layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement
12. Positive means to prevent surface water run-off onto the highway
13. Provision for kerbside refuse collection in accordance with details to be submitted
14. Construction Traffic Management Plan

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six 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 D Evans

I generally feel like this area would benefit from this type of development. However I have concerns with regards to the proposed properties facing onto Shotton Lane and the fact that this would cause cars to potentially reverse onto a public highway which is already a very busy road.

Whilst appreciating that this application is outline only, I would have difficulty supporting it knowing that it may cause parking and reversing difficulties on Shotton Lane. I therefore request the application be heard at planning committee to include a site visit so that members can appraise themselves with the highway concerns raised.

Shotton Town Council

The Town Council do not object to the principle of residential development, however, the Town Council does object to the proposed housing layout and the implications this has on highway safety.

Highways Development Control

The Highways Authority raises no objection subject to the imposition of conditions.

Community and Business Protection

No objections in principle to this application, however, the site is in an area with an industrial history and as such there is potential for the land to be contaminated. Therefore it is requested that a condition which requires site investigation in relation to land contamination is imposed.

Aura

In accordance with Local Planning Guidance Note No. 13 'Public Open Spaces', the Authority is seeking an off-site capital contribution of not less than £1,100 per dwelling in order to enhance existing recreation provision at the existing children's play area at North Street Play Area, Shotton.

Welsh Water/Dwr Cymru

No objections. Recommends the imposition of a condition requiring proposed drainage scheme to be submitted and agreed.

Natural Resources Wales

No objections to the proposal.

Coal Authority

Advises that standard advice applies. Accordingly, The Coal Authority raises no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

8 no. of objections have been received upon the following grounds:

- Increase in the volume of traffic
- Congestion already a problem within the area
- Increase in on-street parking
- Insufficient parking
- Increase in noise levels during construction and by associated vehicles
- Shotton Lane is one car width due to on-street parking
- Land would be better used as a public car park
- Poor visibility available
- Speed is a problem
- Emergency vehicles would have difficulty accessing the site
- Inadequate drainage
- Impact on residential amenity

5.00 SITE HISTORY

5.01 **059473** Change of use to allow siting of temporary free standing structures to house racing pigeons – Approved 20.03.19

053424 Erection of perimeter fence – Refused 08.05.15

049129 Temporary siting of telecommunications mast – Refused 13.12.11

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 AC13 - Access and Traffic Impact

Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries

Policy HSG8 - Density of Development

Policy SR5 - Outdoor Playing Space and New Residential Development

Policy EWP14 - Derelict and Contaminated Land

Local/Supplementary Planning Guidance Notes
PGN 13 - Open Space Requirements

National Planning Policy
Planning Policy Wales Edition 10 (December 2018)

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application with all matters reserved for subsequent approval. It proposes the erection of 14 No. dwellings on land at Shotton Lane Social Club, 72 Shotton Lane, Shotton.

7.02 Site Description

The application site was the former place of the Shotton Lane Social Club which closed in August 2010. The club buildings were subject to fire damage which later led to the building's destruction. The remaining structures on site have since been demolished and the site cleared. The site which extends for 0.37 ha has remained vacant of built development, but has in the interim been used as a temporary location for the housing of racing pigeons.

7.03 The site is situated within a residential character area comprising a range of house types, however semi-detached dwellings are most prominent. The site is bounded by the rear gardens of the immediate residential development off Shotton Lane to the Southeast and Clarence Street to the Northeast.

7.04 Access to the former social club site was taken from Clarence Street.

7.05 Proposed Development

This outline application proposes the development of this 0.37 hectare site for the purposes of residential development. All matters of detail are reserved for future consideration. Indicative details submitted suggest that the site could be developed for up to 14 No. semi-detached dwellings, together with the creation of a new central vehicular access off Shotton Lane.

7.06 Principle of Development

The application site is within the settlement of Shotton which is a main town, Category A Settlement within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene along

Shotton Lane, subject to the agreement of the detailed design. The principle of residential development is therefore acceptable.

- 7.07 The proposed site is considered to comply with the key principles of Planning Policy Wales 10 (PPW10) in terms of the presumption in favour of sustainable development, and the sequential approach taken to the re-use of previously developed land in preference to greenfield sites. In accordance with paragraph 3.51 of PPW10, land within settlements should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints identified can be overcome.
- 7.08 Highways
The site was formerly accessed from Clarence Street. The submitted indicative layout suggests the creation of a new central vehicular access point off Shotton Lane. The Highway Authority notes that the application is in outline only, with all matters including access reserved. The principle of creating a new access off Shotton Lane is not opposed. The Highway Authority therefore confirms that there is no objection subject to the imposition of conditions.
- 7.09 I note objections raise concerns regarding the noise and disruption that would be caused during the development of this site, in particular during construction. As such the controls of a Construction Traffic Management Plan would seek to control and minimise disruption where possible. The Highway Authority have therefore requested the imposition of such a condition for which I consider to be wholly reasonable.
- 7.10 A number of objections raise concerns in relation to the development of this site would only further exacerbate the on-street parking problems currently experienced. Members are reminded that this application is in outline with all matters reserved, therefore only the principle of development is for consideration at this stage. The reserved matters details include the provision of access and parking arrangements to be in accordance with the relevant planning policies and Supplementary Planning Guidance Note no. 11 Parking Standards. The level of parking is however dependent on the exact number of dwellings and the site layout which are again reserved for subsequent approval.
- 7.11 Furthermore, I have considered the merits of the site location and conclude that the site is well positioned and supports the key planning principles set out in PPW10, in particular the theme 'Active and Social Places' chapter 4, which states that developments should be located where they encourage a *“modal shift and be easily accessible by walking, cycling and public transport, by virtue of their location, design and provision of on and off site sustainable transport infrastructure.”* By doing so, sustainable forms of development such as this, help to

reduce the reliance on travel by private car, and the adverse impacts of motorised transport on the environment and people's health.

7.12 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.

7.13 An off-site commuted sum of £1100.00 per unit in lieu of on-site provision to enhance existing facilities at North Street Play Area, Shotton 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.

7.14 It is considered that the contribution required meets the Regulation 122 tests.

7.15 Other matters

Concerns have been raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows from new development. Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal and advise that a condition is imposed requiring the submissions of a surface and foul water drainage scheme for the site. No objection to the proposals has been raised by Dwr Cymru/Welsh Water in relation to system capacity concerns.

7.16 Concerns have also been raised regarding the impact of the proposal on the residential amenity of neighbouring properties. As the proposal is in outline form it is not possible to consider issues relating to privacy and overlooking as if the application were approved these would be examined in a later reserved matters application.

8.00 CONCLUSION

8.01 The application site is within the settlement of Shotton which is a main town, Category A Settlement within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential

development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene subject to the agreement of the detailed design. The principle of residential development is therefore considered to be acceptable.

- 8.02 With respect to the previously developed nature of the application site, site investigations are required with regard to possible land contamination in order to inform any remediation which may be required as part of the development proposal. Further, it is considered that as part of the reserved matters, the detailed layout and design can mitigate any impacts on residential amenity and clearly demonstrate the proposed parking arrangements.
- 8.03 It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.
- 8.04 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.
- 8.05 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.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 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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