

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **30.09.2020**

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

SUBJECT: **CHANGE OF USE GROUND FLOOR SHOP TO
RESIDENTIAL**

**APPLICATION
NUMBER:** **061158**

APPLICANT: **Mr P SWAIN**

SITE: **71 CHURCH ROAD, BUCKLEY ,FLINTSHIRE**

**APPLICATION
VALID DATE:** **29.06.20**

LOCAL MEMBERS: **CLLR. M PEERS**
CLLR. D HUTCHINSON

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

**REASON FOR
COMMITTEE:** **COUNCILLOR'S REQUEST DUE TO
PROMINENCE AND POSITION OF PROPERTY,
OUTBUILDINGS, LOCATION IN RELATION TO
NEWLY INSTALLED TRAFFIC LIGHTS AND
PARKING RESTRICTIONS IN VICINITY**

SITE VISIT: **REQUESTED**

1.00 **SUMMARY**

- 1.01 This full application seeks permissions for the change of the ground floor of a now vacant former retail unit. The existing building is part shop and part residential unit. The existing residential element exists on the first floor of the existing building. The scheme, if granted, would lead to two independent residential units being accommodated within the existing building.

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

2.01 Conditions

1. Development commencement within five years of date of permission
2. The development be carried out in accordance with the approved plans

3.00 CONSULTATIONS

3.01 Local Members

Councillor M Peers / Councillor D Hutchinson

Both these Members raised concerns over accuracy of the application forms, omission of information on the application forms, apparent omissions of buildings on the site plans and lack of details for parking arrangements. In addition concerns have been raised with regards to structural integrity of the existing outbuildings on the site and their proximity to footpath and the highway.

Buckley Town Council

No response received at time of writing

Highways Development Control

The highways officer has confirmed that there are no highway objections to the proposal and that they do not wish to make a recommendation on highway grounds.

Public Rights of Way

Confirmed that there are no Public Footpaths near to the site and therefore have no comment to make.

Community and Business Protection

No adverse comments to make

Natural Resources Wales

Confirm that the matter does not affect a list on the NRW consultation topics list and therefore have no comment to make.

Airbus

No aerodrome safe guarding objection to the proposal.

4.00 PUBLICITY

4.01 The application was publicised via the issuing of Neighbour Notification letters. At the time of writing this report, 2No. letters have been received raising objections on the following grounds:

- Object to lack of parking

- Own drive way extended to provide off road parking provision
- Yellow lines outside so no parking available
- Two outbuildings in poor repair, these could be demolished to provide parking provision.
- The proximity of the outbuildings to footpath and highway of concern in relation to safety.

5.00 SITE HISTORY

5.01 021801

Illuminated projecting sign and 2 fascia signs
Approved 2.22.93

021315

Change of use part ground floor to shop and alterations to shop front
Approved 01.06.93

013351

Internally illuminated projecting sign
Approved 06.07.89

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development
Policy GEN2 - Development Inside Settlement Boundaries
Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries
Policy AC18 - Parking Provision and New Development
Policy S11 - Retention of Local Facilities

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The application site is located to the back edge of a junction off Church Road and Knowle Lane. The building is a semi-detached two story building of red brick and slate roof construction. The lower ground floor windows on to Knowle Lane are blocked up as part of the existing elevations and pedestrian access exits off Knowle Lane.

7.02 In addition to the shop unit and residential unit the two outbuildings are also located to the back of Knowle Lane. The outbuildings comprise of a single storey part brick /corrugated material and a two storey part multi brick, with roller shutter door and side window bricked up with breeze blocks and a red brick building. These outbuildings do not form part of the application site.

7.03 The Proposals

This full planning application seeks the change of use of the vacant former retail area of the property to residential to create a self-contained 2 bedroom unit. The existing upper floor is already an independent unit and this is to be retained. The internal reconfiguration allows the creation of a living unit and there are few external changes, including the blocking up of the shop window on Church Road and the insertion of a residential door and window within the front elevation to replicate the elevation as it would have appeared before conversions into a shop. Similarly, closed up windows in the side elevation are proposed to be re-opened to facilitate the change of use.

7.04 The Main Issues

The main issues in the consideration of this proposal are;

- The principle of the development;
- Highway and parking issues;
- Building stability; and
- Application inadequacies and inaccuracies.

7.05 Principle of development

The proposed development is located within the settlement boundary of Buckley. GEN2 states that development will normally be permitted within settlement boundaries. The site is not within a designated core retail area and other similar facilities exist in the vicinity to provide for the community. As such the principle of the change of use of part of this vacant former retail unit to a residential use is considered acceptable under the provisions of policies GEN1, GEN 2, S11 and HSG3 of the Flintshire Unitary Development Plan.

7.06 Highway and parking issues

Concerns have been raised with regard to parking provision for the application. In addition there are existing yellow lines outside the site that prohibit roadside parking.

7.07 The highways officer has confirmed that the site is within the Settlement of Buckley, a highly sustainable location in terms of employment, public transport links and access to shops. The highways officer considers that existing highway restrictions, double yellow lines outside, ensure that highway safety would not be compromised by vehicles associated with the development.

7.08 The existing use of the site as a former shop is likely to have generated demand for parking equivalent or in excess of parking demand for the residential unit, therefore a recommendation of refusal could not be substantiated at appeal. Accordingly, the proposal is considered to be compliant with policies GEN1 and AC18 of the Flintshire Unitary Development Plan in this regard.

- 7.09 Building stability
The matter of structural integrity have been raised in connection with the application, in respect of both the application site and the adjacent outbuildings. These concerns have subsequently been investigated by both Street Scene and Building Control Officers.
- 7.10 In terms of risk to highways users, I am advised that whilst there is evidence of some spoiling of brick work, there is nothing to suggest that there is imminent risk to highway users. A building control officer visited the site on the 31.07.20, during the course of which the outbuildings were viewed from Knowle Lane. I am advised that no actions were required under Sections 77 / 78 of The Building Act 1984 in respect of a dangerous building.
- 7.11 Accordingly, I am content that the buildings are not structurally unsafe and appear to be in a stable condition. The changes proposed as part of this scheme are limited and will not have a detrimental impact upon the visual character of the surrounding area.
- 7.12 Application inadequacies and inaccuracies.
Concerns were raised in response to consultation with regards to the accuracy of the application form, omission of information with regards to parking, drainage and outbuildings not being shown on the plans submitted.
- 7.13 Issue of parking have been addressed elsewhere in this report and do not therefore require repeating here.
- 7.14 The application form has been considered to have been adequately completed with regards to clarification of drainage in that the application form refers to using main sewer. This is what would be expected in this urban area.
- 7.15 The location plan submitted with the application shows the building and the area to be used as the yard outlined in red (The application site). The 2No. outbuildings referenced in the concerns relating to stability are outlined in blue, as land in the same ownership but, outwith the application site.
- 7.16 In light of this, it is considered that the application has been completed with sufficient information and clarity to enable consideration of the same.
- 7.17 Other Matters
A query was raised as to whether Permitted Development Rights should be removed from the resultant premises in the interests of ensuring that inappropriate frontage development did not take place under the provisions of Permitted Development Rights in the future.

7.18 It should be noted that Permitted Development Rights do not confer upon properties which are apartments and therefore any such future proposals would require the submissions of a planning application and the grant of planning permission.

8.00 CONCLUSION

8.01 As the application site is within in mixed use area, predominantly residential in nature, the use of the whole of the building for a residential use is consistent with surrounding area. The design of the unit is reflective of the adjoining property and does not adversely impact upon living conditions.

8.02 The change of use proposed is therefore considered to be compliant with the provisions of Policies GEN1, GEN2, HSG3, S11 and AC18 of the Flintshire Unitary Development Plan.

8.03 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.

8.04 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.

8.05 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.06 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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