

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH MARCH 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION – DEMOLITION OF EXISTING PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 5 NO. APARTMENTS AT 11 HIGH STREET AND BAGILLT ARMS, HIGH STREET, BAGILLT.**

APPLICATION NUMBER: **051325**

APPLICANT: **MR. B.E. RICHARDSON**

SITE: **11 HIGH STREET AND BAGILLT ARMS, HIGH STREET, BAGILLT.**

APPLICATION VALID DATE: **18TH NOVEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR M.A. REECE**

TOWN/COMMUNITY COUNCIL: **BAGILLT COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUIREMENT FOR LEGAL OBLIGATION TO CONTROL OCCUPANCY OF UNITS.**

SITE VISIT: **NO.**

1.00 SUMMARY

- 1.01 This outline application proposes the demolition of a terrace of three existing buildings which are currently vacant and in a poor state of repair on the southern side of High Street, Bagillt and redevelopment of the site by the erection of 5 No. apartments. All matters are reserved for subsequent approval.
- 1.02 For Members information the application has been submitted following the refusal of a previous application under Code No. 047389 for the erection of 8 No. apartments at this location. Although it was resolved

by Members of the Planning & Development Control Committee on 13th July 2011 to grant permission for the development, the application was refused on 10th September 2013. The refusal was based on the applicant being unable to complete the necessary legal obligation in respect of (i) a commuted sum payment in lieu of on site open space and (ii) controlling the occupancy of the units to meet local needs due to complexities regarding site ownership.

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

2.01 That conditional planning be granted subject to the applicant entering into:-

- a. a Section 106 Obligation/Unilateral Undertaking to ensure that the units are offered for rental to meet local housing needs.
 - b. a Section 106 Obligation/Unilateral Undertaking or advance payment of £733 per apartment towards the maintenance enhancement of open space in the locality.
1. Outline - Reserved Matters to be submitted.
 2. Outline - Time limit.
 3. Compliance with parameters in development brief.
 4. Scheme for the protection of bedroom and living room windows to achieve a maximum of 34 dB(A) sound reduction.
 5. Foul and surface water to be drained separately.
 6. No surface water to connect into public sewerage system.
 7. No land drainage to discharge into public sewerage system.
 8. Proposed access in to site to have minimum width of 4.5m.
 9. No windows below 2.1m above footway to open outwards.
 10. Positive means to prevent roof water run-off from discharging into highway to be submitted and approved.
 11. Parking facilities to be provided and retained within site.
 12. Ecological survey to be undertaken with details of bat roost if required, to be submitted and approved with timescale for its provision.
 13. No building(s) to be demolished during bird-nesting season.

If the Obligation pursuant to Section 106 of the Town & 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 M.A. Reece

Agree to determination of application under delegated powers.

Bagillt Community Council

Given the reduction in the number of flats from that previously proposed, each with parking it now seems acceptable and the Council no longer objects to the proposed redevelopment of this site.

Head of Street & Transportation

Recommend that any permission includes conditions in respect of visibility, parking and window openings relative to existing footway on site frontage.

Public Open Spaces Manager

Request the payment of a commuted sum of £733 per unit to facilitate the enhancement of existing public open space within the community.

Dwr Cymru/Welsh Water

Request that any permission includes conditions in respect of foul and surface water drainage.

4.00 PUBLICITY

- 4.01 Site Notice, Neighbour Notification
No responses received.

5.00 SITE HISTORY

5.01 **046183**

Outline – Demolition of former public house, betting office and dwelling and the erection of 10 No. apartments – Withdrawn 31st March 2010.

047389

Outline – Demolition of former public house, betting office and dwelling and the erection of 8 No. apartments – Refused 10th September 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D2 – Location & Layout.

Policy D3 – Building Design.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites.

Policy HSG8 – Density of Development.

Additional Guidance

Local Planning Guidance Note 11 – Parking Standards.

7.00 PLANNING APPRAISAL

7.01 Introduction

The buildings the subject of this application which are currently vacant, are located on the southern side of the High Street, Bagillt at the junction with Gadlys Lane and Station Road. The buildings are within the settlement boundary of Bagillt as defined in the adopted Flintshire Unitary Development Plan.

7.02 Proposed Development

The application which has been submitted in outline form proposes the demolition of a terrace of 3 vacant buildings fronting onto the High Street. The site is currently occupied by the former Bagillt Arms Public House, to the easterly end a former betting office and at the junction with Gadlys Street a dwelling house. All three buildings are currently vacant and in a poor state of repair with windows and doors at ground floor level boarded up to prevent unauthorised entry.

7.03 It is proposed to demolish the existing buildings and redevelop the site by the erection of a new building comprising a total of 5 No. 1 bed apartments. It is proposed that the building is 2 storey to respect the scale/form of the existing buildings. A total of 5 No. parking spaces are proposed within the site to serve the development.

7.04 Planning Policy

For Members information the site is located within the settlement boundary of Bagillt a Category B settlement as defined in the adopted Flintshire Unitary Development Plan.

7.05 Consideration of an application for new residential development in a Category B settlement is undertaken in accordance with Policy HSG3 of the UDP, which since the public inquiry in autumn 2009, has been modified by the Inspector to control development by adding more specific criteria to focus new development on local housing needs.

7.06 In Category B settlements residential development will only be permitted where it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need.

7.07 For Members information the current growth level of Bagillt currently stands at approximately 16% and therefore any new development is required to meet an identifiable local need which would be controlled through a Section 106 Obligation if permission were to be granted. It is in these circumstances that it is proposed the units are provided for below market rental which is considered to be acceptable to the Housing Strategy Unit as this would provide for an increase in and variety of different tenures within Bagillt.

7.08 Principle of Development

The principle of the redevelopment of the site for residential purposes is considered to be acceptable subject to the safeguarding of relevant amenity considerations. For Members information, the buildings are not listed as being of special architectural or historic interest or located within a conservation area and given the physical condition are not considered to be worthy of retention.

7.09 Impact on Character of Site/Surroundings

It is proposed that although submitted in outline that the scale/form of the proposed building is reflective of the buildings currently on site which are 2 storey in height. It is considered that if Members are mindful to grant permission for the principle of development that the detailing of the building can be controlled at reserved matters stage.

7.10 Ecology

The buildings the subject of this application have remained vacant for a considerable period of time and have the potential to be used by bats and nesting birds. It is therefore recommended that if Members are mindful to grant planning permission that additional survey work is undertaken prior to demolition and if required adequate mitigation by way of the provision of a bat roost is provided with the demolition being controlled so that it is undertaken outside the bird nesting season. This can be controlled by way of planning conditions.

7.11 Access Parking

The plans submitted as part of the application, illustrate the provision of 5 No. parking spaces within the application site boundary to serve the 5 No. apartments proposed.

7.12 Consultation on the acceptability of the access/parking arrangements has been undertaken with the Head of Assets & Transportation. Given the site's previous usage which would have generated a significant parking demand and tenure of occupation it is considered that this is acceptable subject to the imposition of conditions.

8.00 CONCLUSION

8.01 It is considered that the principle of the redevelopment of the site for the scale of development proposed is acceptable. If Members are mindful to recommend that permission be granted for the redevelopment of the site, the precise details of the replacement buildings would be controlled at reserved matters stage in accordance with the parameters set out in the accompanying Design & Access Statement. The Head of Assets & Transportation considers the proposal to be acceptable given the site's previous usage and terms of occupation. I therefore recommend accordingly.

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.

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