

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **9<sup>th</sup> APRIL 2014**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION – RETROSPECTIVE CHANGE OF USE OF LAND TO RESIDENTIAL PURPOSES IN CONNECTION WITH NO. 21 LLYS Y WERN AND ERECTION OF A BOUNDARY FENCE – LAND AT LLYS CAE’R GLO, SYCHDYN**

**APPLICATION NUMBER:** **051497**

**APPLICANT:** **MR & MRS ELWELL**

**SITE:** **LAND AT LLYS CAE’R GLO. SYCHDYN,**

**APPLICATION VALID DATE:** **25/11/2013**

**LOCAL MEMBER:** **CLLR M BATEMAN**

**TOWN/COMMUNITY COUNCIL:** **NORTHOP COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **EFFECT OF THE LOSS OF PARKING SPACE ON LLYS CAE’R GLO**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This is a full application for the change of use of land for residential purposes. The land has previously been used as visitor parking for Llys Cae’r Glo. The planning application is retrospective with the land having been fenced off to become accessible from Llys y Wern only. The matters for consideration are the loss of parking for Llys Cae’r Glo and the visual appearance of the fence.

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

2.01 Conditions

1. In accordance with plans and specifications.
2. Remove permitted development rights.

3.00 **CONSULTATIONS**

3.01 Local Member

Councillor Marion Bateman

Requests committee determination with a site visit.

Northop Community Council

Oppose the planning application as it is an unreasonable contravention of the original planning permission and the loss of visitor parking would compromise road safety.

Head of Assets and Transportation

No objection.

Head of Public Protection

No adverse comments.

4.00 **PUBLICITY**

4.01 Neighbour Notifications

7 objections received, which are summarised as follows:

- Impact upon highway safety;
- The visitor spaces were a condition of the original planning permission;
- Loss of the boundary hedge;
- The new fence hinders the use of the adjacent parking space (no. 7 Llys Cae'r Glo);
- Residents were unaware of the sale of the land; and
- Damage to the grass verge as a result of parked vehicles.

5.00 **SITE HISTORY**

5.01 91/0432 – Erection of seven dwellings – Approved 14/10/1991

6.00 **PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development

Policy AC18 – Parking Provision and New Development

7.00 **PLANNING APPRAISAL**

7.01 Llys Cae'r Glo is a small cul-de-sac comprising of 8 no. dwellings (or 12 including numbers 30 - 36 New Brighton Road). Llys Cae'r Glo was

originally granted consent on 14<sup>th</sup> October 1991 and was subject to 6 conditions, which are summarised below:

- 1) Commencement of development within 5 years;
- 2) Submission of sample materials;
- 3) Submission of a landscaping scheme;
- 4) In accordance with amended plans received 26<sup>th</sup> July 1991;
- 5) Finished floor levels of Plot 11 to be agreed; and
- 6) Screen fencing for Plot 11 to be agreed.

- 7.02 The land which is the subject of this planning application was shown as 2 no. visitor parking spaces on the approved layout drawing. There was no condition imposed to ensure that these spaces are to be maintained for the life of the development. Had these 2 no. parking spaces been crucial to the original permission being granted then it would have been considered necessary to condition that these spaces are retained in perpetuity – this is not the case. Significantly, this land remained in private ownership and has now been purchased by the owner of No. 21, Llys y Wern. On this basis there is nothing to prevent it being fenced off to stop its use for the parking of vehicles or indeed for its use for this purpose exclusively by No. 21.
- 7.03 Policy AC18 of the Flintshire Unitary Development Plan specifies that all development must provide appropriate parking in accordance with Flintshire County Council's Parking Standards, which will be applied as a maximum. Flintshire County Council's shift from minimum to maximum parking standards is in accordance with national planning guidance.
- 7.04 The current remaining parking provision within the Llys Cae'r Glo development has been assessed to be 19 no. spaces; this includes both garage and driveway spaces. The relevant guidance to consider is Local Planning Guidance Note No. 11: Parking Standards. This guidance specifies maximum parking standards. Given that this is a cul-de-sac of 2 and 3 bedroomed dwellings the maximum parking provision based on 2 car park spaces per unit therefore allows a maximum of 24 spaces for the 12 units. The 19 no. parking spaces are therefore considered to be an acceptable number of parking spaces in line with current Parking Standards, with no detriment to highway safety in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.
- 7.05 There is evidence that a number of parking spaces, originally provided as part of the Llys Cae'r Glo development, are no longer available for this use. This is a common trend in that domestic garages are often used for domestic storage purposes, rather than for parking vehicles and this is not development and is therefore not subject to any control.
- 7.06 The owner/occupier of the nearest neighbouring property, 7 Llys Cae'r Glo, has mentioned in their letter of objection that they are now unable to open their car doors fully due to the position of the new fence.

However, the parking space serving No.7 measures 2.6 metres wide, which is 0.2 metres wider than a domestic parking space is required to be.

- 7.07 The original hedge has been removed as a result of this change of ownership and a fence erected to enclose the land and make it fall within the curtilage of 21 Llys y Wern. As the fencing erected is over 1 metre in height and is adjacent to a highway it requires permission and therefore forms part of this planning application. The fencing is consistent with other fencing within the cul-de-sac and does not appear incongruous in the streetscene. It is therefore considered visually acceptable and in character with its surroundings in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.
- 7.08 Whilst I have sympathy with the residents of Llys Cae'r Glo and having been made very aware of their concerns, there are no planning grounds to resist this development. Having assessed the proposal against planning policy and taking into account all material planning considerations I am of the opinion that this proposal is acceptable.

## **8.00 CONCLUSION**

- 8.01 The proposal is considered acceptable in both principle and detail.
- 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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