

FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

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

SUBJECT: **FULL APPLICATION – ERECTION OF TWO STOREY BUILDING WITH A BAKERY AND CAFÉ ON THE GROUND FLOOR AND RESIDENTIAL ACCOMMODATION ON THE FIRST FLOOR AT BRIDGE INN, HAWARDEN ROAD, HOPE**

APPLICATION NUMBER: **052143**

APPLICANT: **MR P D METCALFE**

SITE: **BRIDGE INN, HAWARDEN ROAD, HOPE**

APPLICATION VALID DATE: **12.06.14**

LOCAL MEMBERS: **COUNCILLOR STELLA JONES**

TOWN/COMMUNITY COUNCIL: **HOPE**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO ACCESS**

SITE VISIT: **YES**

This application was deferred from Planning and Development Control Committee on 23rd July 2014 in order for members to visit the site. The report and conditions have been updated with consultation responses received since the last Committee and previously reported as late observations.

1.00 SUMMARY

1.01 This is a full planning application for the erection of a two storey building to contain a bakery and cafe with living accommodation above on part of the car park associated with the Bridge Inn, Caergwrle. The main issues are access, parking, impact on residential amenity and the conservation area. It is considered that the proposed bakery/café use is acceptable in principle subject to

conditions restricting the operations of the proposed use and the existing public house/restaurant to ensure they are not open at the same time to ensure that there is sufficient parking for both uses.

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

- 2.01
1. Time commencement
 2. In accordance with plans
 3. Materials
 4. Public Hours of opening 8.30am-5pm Monday to Saturday. No opening on Sundays or Bank Holidays.
 5. No deliveries before 8am
 6. Café and public house not to be open to the public at the same time.
 7. Details of decked area, levels and landscaping with details of retaining structures if required
 8. That prior to any work being carried out a suitable system for the extraction, filtration and ventilation of any process odours and fumes (including acoustic silencing if deemed necessary) should be installed in accordance with a scheme to be first submitted to and agreed in writing by the LPA.
 9. Living accommodation to be occupied by an employee of the cafe business
 10. Finished floor levels 150mm above surrounding ground levels
 11. Parking facilities to be provided.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Stella Jones

Is generally supportive of the application but raises concerns with regards to the access.

Hope Community Council

Concerns over the access to and from the site given it is a single width access and whether the parking arrangements would be adequate in the event of the pub and bakery being operated independently of each other.

Highway Development Control Manager

No objections subject to a condition ensuring facilities are provided and retained within the site parking and turning and loading and unloading of vehicles.

Pollution Control Officer

No objections in principle to this application, however, it is suggested that the times indicated by the applicant for the A3 use are attached as conditions. It is expected that a suitable system for the extraction, filtration and ventilation of any process odours and fumes (including

acoustic silencing if deemed necessary) should be installed.

Welsh Water/Dwr Cymru

No response received at time of writing.

Natural Resources Wales

The site is in Zone C2 as defined in TAN15 Development and Flood Risk and shown on the Welsh Government's Development Advice Maps. Part of the site is shown to be at risk in Natural Resource's Wales 01.% AEP and 1% AEP modelled flood outlines. NRW have had extensive discussions with the applicant's consultant Waterco regarding the flood risk modelling which has been produced to support this application. NRW are satisfied that the modelled outputs on which the FCA is based are acceptable. The outputs show that the site will remain flood free in the 1% AEP plus climate change and 0.1% event. The development therefore complies with TAN15 Development and Flood Risk and we have no objection to the proposal subject to the applicants compiling with the recommendations of the FCA in relation to finished floor levels.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

6 objections on the grounds of;

- Pre application works – areas has been cleared of trees and severe trimming over the past year with the waste being burnt in a bonfire causing a nuisance to local residents
- No community consultation has been undertaken
- Current parking issues with public house with overspill parking at the front of the pub causing access issues to the 3 properties accessed by the stone track at the front of the pub. The loss of parking spaces would increase this problem.
- Unsatisfactory access
- Delivery vehicles cannot access the rear of the pub as the access way is too narrow leaving lorries to block the footpath when making deliveries. This would increase if this development goes ahead.
- Noise associated with deliveries etc with a bakery operation and general activity early in the morning. Intensification of noise throughout the day with increase in activity and use of car park all day.
- More traffic using the access would lead to dangerous manoeuvres at a difficult junction
- Overlooking and impact on daylight to part of the filed adjacent to the property
- Smells and vermin associated with refuse
- The living accommodation will overlook residential property Morville and impact upon privacy
- Signs to advertise business would be out of keeping with area

and impact upon Conservation area

- Development is not in heart of village but on the edge of Caergwrle and Hope both of which have cafes
- Site is not near other attractions such as castle and the spa does not have public access
- Amount of passengers that use the station is very small and does not warrant such a venture and signs would be needed
- Proposed number of staff 3 full time and 1 part time suggests a big and busy venture.
- There are two existing cafes within a few minute's walk of this proposal
- The pub is big enough to accommodate this venture without a new build and opening hours of two are staggered to facilitate this.
- Could become a residential property if the business venture fails.
- If permission is granted a restrictive covenant should be placed on it to ensure; the ownership of the building remains with the public house; the use of the building can only be commercial not residential; the building can only be used during times when the pub is closed.
- Staggering car parking would not work as the pub and café could be under different ownership and the pub could open 24 hours.
- Proposal leaves insufficient parking for the pub and cafe and the residents of both.
- The site is close to a dental practice at Bridge End which only has two parking spaces, so this leads to patients parking on the road during weekdays.
- The parking spaces at the front of the Bridge Inn have been converted into a patio area
- Refuse lorries cannot reverse into the Bridge Inn car park to access the bakery waste, which could block access to garages to the rear of two of the properties
- Overlooking and privacy to garden across the river particularly by outside seating area
- Should be no development in the Conservation Area
- Stone wall which borders the River Alyn and supports the Bridge Inn Car park is in disrepair and have concerns regarding stability of the parking area near the riverside
- Impact on boundary trees
- Business could be located within the existing pub/restaurant building as different opening hours
- Increase in litter from use and refuse areas
- Impact on the environment and livestock

5.00 SITE HISTORY

5.01 None.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR3 – Employment

Policy STR6 – Tourism

Policy STR7 – Natural Environment

Policy STR8 – Built Environment

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development inside settlement boundaries

Policy D1 - Design Quality

Policy D2 - Location and Layout

Policy D3 - Building design

Policy D4 - Landscaping policy

Policy HE1 – Development Affecting Conservation Areas

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy EWP2 – Energy Efficiency in New Development

Policy EWP16 - Water Resources

Policy EWP17 – Flood Resources

Policy S8 – Hot Food Takeaways, Restaurants and Cafes

Policy HSG3 - Housing on unallocated sites outside settlement boundaries

The application site is located within the settlement boundary within the Unitary Development Plan. The application is in accordance with the above relevant policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of a two storey building to contain a bakery and cafe with living accommodation above on part of the car park associated with the Bridge Inn, Caergwrle.

7.02 Site Description

The application site is part of the car park of the existing Bridge Inn public house and restaurant. The car park is accessed from the A550 through an existing access between the Bridge Inn and a terrace of 3 residential properties. The car park is bounded to the north west by the Bridge Inn, to the north east by the residential properties of 1 – 3 Bridge End and their rear gardens. To the east of the car park is the River Alyn, which is at a lower level to the application site. To the south is an area of open land and to the west is a pumping station. To the south west of the Bridge Inn is an electricity substation. Further to the south west are 3 residential properties which are accessed by a track which passes in front of the Bridge Inn to its west. The railway

line is beyond this to the west. There is existing landscaping around the boundaries of the car park in form of hedges and trees.

7.03 Proposed Development

It is proposed to erect a two storey building to accommodate a bakery and cafe unit on the ground floor with a two bedroom flat on the first floor as manager's accommodation and an outdoor terraced dining area. The unit is 83m² with 40m² of public space and an outdoor dining area. The unit would remain in the same ownership as the Bridge Inn. The business would be a small scale bakery to serve the café which will sell breads, cakes and coffees with speciality Chinese bakery products and traditional artisan bread and cake.

7.04 The Bridge Inn is only open in the evenings and it is considered by the applicants does not provide suitable atmosphere and ambience for daytime dining. The applicants consider the proposed bakery and café would complement the existing restaurant by providing a daytime dining experience. The proposed opening hours of the bakery/café would be 8.30am-5pm Monday to Saturday, closed on Sundays. The Bridge Inn public house/restaurant operates 5pm-10pm Monday-Thursday, 5pm – 11pm Friday and Saturdays and 1pm – 9.30pm on Sundays.

7.05 The applicants consider its proximity to the railway station would enhance the experience for users of the station which has no passenger facilities and for visitors and walkers in the area. It is stated the bakery would create 3 full time jobs and 1 part time job.

7.06 The building is proposed to be white/cream render with a slate roof. The residential unit would comply with Code for Sustainable Homes Level 3 and a pre-assessment was submitted with the application.

7.07 The proposal would use the same access as the public house/restaurant car park and would use the car park when the public house/ restaurant is not open. The application was accompanied by a Flood Consequences Assessment.

7.08 Issues

Principle of development

The application site is within the settlement boundary of Hope, Caergwrlle, Abermorddu and Cefn-y-Bedd which is a Category B settlement within the Adopted Flintshire Unitary Development Plan. The site is also within the Caergwrlle Conservation Area.

7.09 The public house operates as a Chinese restaurant and bar and offers a take away and delivery service along with dining areas. The proposed use for a café/bakery is assessed against policy S8 'Hot Food Takeaways, Restaurants and Cafes'. This policy states "Proposals for new establishments or for the change of use of existing establishments to sell hot food for the consumption both on or off the

premises will be permitted where they meet the following criteria:

a) the amenity of local residents, including residents living above the property is not unduly harmed

The site is bounded by the rear gardens of residential properties and separated from rear gardens of the residential properties by the River Alyn to the east. The kitchen is situated to the side of the building which bounds the pumping station to the west and agricultural land to the south. The kitchen would be fitted with an appropriate ventilation system which would be agreed with environmental health by condition. The noise impacts of this would also be considered as part of this approval. The accommodation above the bakery would be occupied by an employee/manager of the business and therefore would not be affected by the operations. A condition can be imposed to ensure this is the case.

b) onsite provision is made of the disposal of causal litter and wastes;

The plans show a waste storage and recycling area to the rear of the building.

c) the use will not result in traffic hazards or disturbance arising from street parking.

The proposed use has on site parking which is deemed to be in accordance with the Council's standards and therefore would not lead to on street parking.

7.10 In terms of the residential use this is intended to be used in association with the café business but even if this was a separate residential unit growth in the settlement of Hope, Caergwrle, Abermorddu and Cefn-y-Bedd is below the 15% threshold. There is therefore no objection in principle to either of the proposed uses.

7.11 Flood Risk

The application lies within Zone C2 as defined by TAN 15 Development and Flood Risk and shown on the Welsh Government's Advice Map. A Flood Consequences Assessment (FCA) accompanied the application. The bakery use is defined as 'less vulnerable' in Technical Advice Note 15: Development and Flood Risk while the residential use of deemed 'highly vulnerable'.

New development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Section 6.2 of TAN15 states that development will only be justified if it can be demonstrated that;

- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and

- other key partners, to sustain an existing settlement or region;
and,
- iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3);and
 - iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.
- 7.12 NRW have had extensive discussions with the applicant's consultant Waterco regarding the flood risk modelling which has been produced to support this application. NRW are satisfied that the modelled outputs on which the FCA is based show that the site will remain flood free in the 1% AEP plus climate change and 0.1% event. The development therefore complies with TAN15 Development and Flood Risk and we have no objection to the proposal subject to the applicants compiling with the recommendations of the FCA in relation to finished floor levels.
- 7.13 In terms of justifying the development, the site is located within the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn y Bedd in the Flintshire Unitary Development Plan. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) and (ii) above.
- 7.14 The development provides a new business with employment opportunities in an existing settlement close to public transport meeting the aims of PPW. It is considered that the site does fall within the definition of previously developed land as it is an existing car park. This therefore meets with criteria (iii).
- 7.15 A Flood Consequences assessment has been submitted with the application to address point (iv) undertaken by WaterCo. They have undertaken hydraulic modelling which shows that the site is flood free and should be considered therefore as Category A.
- 7.16 The nearest watercourse to the application site is the River Alyn directly to the east. Flooding could occur if the river overtops its banks during or following an extreme rainfall event. There are no records of flooding affecting the site, but the River Alyn did flood in Caergwrle in 2000 and 2012. The modelling undertaken shows that and the existing site levels at 72.1m AOD are above estimated maximum flood levels of 71.24AOD in all events up to and including the extreme 0.1% Annual Exceedance Probability Event. It is concluded that the site is at low risk of fluvial flooding. The comments of NRW are awaited.
- 7.17 The FCA has also considered the risk from other sources of flooding,

including tidal flood, pluvial flooding, groundwater flooding and sewer flooding. It concludes that the site is at low risk of all sources of flooding.

7.18 Parking and Access

The application site is part of the car park of the existing public house/restaurant. It is therefore relevant to consider if the existing public house/restaurant and both the proposed use will have sufficient car parking. Policy AC18 and Local Planning Guidance Note 11 ; Parking Standards and New Development set out the Council's maximum parking standards for developments. There are 28 car parking spaces in the existing car park. The new development will lead to the loss of 8 spaces, with 20 remaining.

7.19 The proposed opening hours of the bakery/café would be 8.30am-5pm Monday to Saturday. The Bridge Inn public house/restaurant operates 5pm-10pm Monday-Thursday, 5pm – 11pm Friday and Saturdays and 1pm – 9.30pm on Sundays.

7.20 The existing public house has public dining areas of 67m². This equates to 17 car parking spaces using the Councils requirement of 1 car parking space per 4m² of public floor area. An additional 2 spaces would be required for the residential use associated with the public house. The existing use therefore requires 19 spaces. The proposed bakery/café use has a public area of 43m² and would require 11 car parking spaces, using the same formula for an A3 use of one car parking space per 4m². The residential element would require 1.5 spaces for the new unit, therefore 12.5 spaces in total. There is therefore sufficient parking for each use to operate separately but there is a shortfall in the number of parking spaces available to meet both uses. The opening hours of the two uses are proposed to be staggered to ensure that there is no conflict. As the businesses are both within the same ownership and within the red line for the planning application a condition can be imposed to control this along with conditioning the opening hours of the new use. Highways development control is satisfied with the parking provision subject to the uses being controlled through a condition.

7.21 Concerns have been raised regarding access to the application site. The access off the highway narrows as you enter the car park and is restricted in width by the existing public house building and the boundary of the adjacent residential property. Highways development control are satisfied with the existing access arrangements as there is sufficient room for 2 cars to in opposite directions to pass off the highway before the access narrows.

7.22 Impact on residential amenity

Concerns have been raised by local residents in relation to overlooking of gardens from the seating area and noise from the increased activity from the proposed use in general. The application

site is the car park of a commercial premises which would already have an element of activity associated with it. The external seating area is across the river from the adjacent residential gardens and it is not considered that this would have a significant impact on residential amenity. While there may be some increase in activity from the proposed use given the proximity to and relationship with the adjacent residential properties it is not considered that the proposed use would have a detrimental impact on amenity.

7.23 Conservation Area

The application site is situated within the Conservation Area of Caergwrle. The proposed new building is behind the existing public house and therefore public views of the building would be limited to customers entering the site. The proposed building is of simple design and construction with proposed render walls and a slate roof. Details of the materials would be conditioned.

7.24 Residents are concerned that the proposed use would lead to a proliferation of signage in the Conservation Area which would detract from the area. Any signage over and above what is allowed under deemed Advertisement Consent would require separate Advertisement Consent which would be considered and assessed on its own merits.

7.25 Other issues

Residents have raised issues over the siting of the external seating area and the stability of the wall in this location adjacent to the river. A condition can be imposed that details of the external seating area and the supporting structure including the need for any retaining structures are submitted to the Local Planning Authority for consideration.

8.00 CONCLUSION

8.01 It is considered that the proposed bakery/café use is acceptable in principle subject to conditions restricting the operations of the proposed use and the existing public house/restaurant to ensure they are not open at the same time to ensure that there is sufficient parking for both uses.

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.

Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk