

FLINTSHIRE COUNTY COUNCIL

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

DATE: **03 SEPTEMBER 2014**

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

SUBJECT: **APPEAL DECISION AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE PLANNING PERMISSION FOR THE SUBDIVISION OF ONE DWELLING IN TO TWO DWELLINGS (RETROSPECTIVE) AT 89 CHESTER ROAD, OAKENHOLT - ALLOWED**

1.00 APPLICATION NUMBER

1.01 050953

2.00 APPLICANT

2.01 MR. S. AMARI

3.00 SITE

3.01 89 CHESTER ROAD, OAKENHOLT, FLINT , CH6 5DU

4.00 APPLICATION VALID DATE

4.01 24 JUNE 2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Planning Inspectors decision made in relation to the above informal hearing, which was ALLOWED, subject to condition with regard to sound insulation. The application was determined under officer delegated powers.

6.00 REPORT

6.01 The Inspector considered the main issue in this case to be the effect the development would have on the living conditions of nearby residents in relation to noise and disturbance.

- 6.02 In the consideration of the appeal the Inspector noted the Council's agreement to the principle of development being acceptable, subject to an appropriate condition with regard to sound insulation. It is considered that the effect of development on the living conditions of nearby residents in relation to noise and disturbance could be made acceptable by the imposing of an appropriate planning condition, to ensure compliance with Policies GEN1 and EWP13 of the adopted Flintshire Unitary Development Plan.
- 6.03 The Inspector noted the lengthy period of negotiation by the Council in which it sought to agree a suitable sound mitigation scheme on the retrospective planning application.
- 6.04 At the hearing agreement was made between the appellant and the Council with regard to a condition, which stipulates that the use to cease and the first floor kitchen to be removed unless a noise mitigation scheme is submitted for consideration, including the timing of the agreed works.
- 6.05 Further requirements of the condition permit the matter to be determined through an appeal in the event of a refusal or where no decision is reached.
- 6.06 The Inspector considered that the condition is necessary in the interests of living conditions of nearby residents.

7.00 CONCLUSION

- 7.01 The Inspector considered that the development was acceptable in principle subject to the imposition of a condition with regard to sound insulation mitigation, which would safeguard the amenity of nearby residents, in compliance with Policies GEN1 and EWP13 of the adopted Flintshire Unitary Development Plan.

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