

FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF EXISTING CAR SHOWROOMS AND SERVICE GARAGE AND DEVELOPMENT OF 5 NO. DETACHED DWELLINGS AT WILLIAMS QUALITY CARS, 129 CHURCH ROAD, BUCKLEY.**

APPLICATION NUMBER: **052285**

APPLICANT: **MR. BRIAN WOODOCK**

SITE: **WILLIAMS QUALITY CARS, 129 CHURCH ROAD, BUCKLEY.**

APPLICATION VALID DATE: **11TH JUNE 2014**

LOCAL MEMBERS: **COUNCILLOR D. HUTCHINSON**
COUNCILLOR M.J. PEERS

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application is for demolition of all the existing buildings and the erection of 5 detached dwellings at Williams Quality Cars, 129 Church Road, Buckley.
- 1.02 The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects on the character and appearance of the area together with the amenities of existing and

proposed occupiers and matters of drainage of the site.

- 1.03 With the site being located within the settlement limit and Buckley being a Category A settlement as defined by the Flintshire Unitary Development Plan, the proposals for residential development are considered acceptable in principle in planning policy terms. As the traffic generation for the proposed use is not seen to be any more onerous than the existing business use on the site and the proposed access points to the proposed dwellings are acceptable, it is considered that the proposals will not be detrimental to highway safety. The design, type and materials used in construction of the dwellings are such that they are considered not to be out of keeping with the area. The position of the proposed dwellings in relation to other existing and proposed properties adjacent means that there will be no significant detrimental impact upon these occupiers. Foul drainage from the dwellings will be to the existing foul sewer with surface water being drained via proposed soakaways. These are deemed acceptable.

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

- 2.01 That conditional planning permission be granted subject to the Applicant entering into a Section 106 Obligation/Unilateral Undertaking or making a direct payment to provide the following:-
- Payment of £5,500 for the enhancement of existing public open space in the nearby community.
 - The proposal is recommended for approval subject to the following conditions:-

Conditions

1. Five year time limit on commencement of development.
2. In accordance with approved plans.
3. All external materials to be further submitted and approved.
4. Existing and proposed site levels to be further submitted and agreed prior to commencement of development.
5. Removal of permitted development rights – extensions and alterations etc.
6. Site investigation of nature and extent of contamination to be further submitted and approved. If contamination found remediation measures including verification of approved works to be submitted and approved.
7. Adequate facilities to be provided and retained within each plot for parking and turning of vehicles
8. 1.8 m wide footway provided along site frontage constructed to adoption standards.
9. Boundary wall along frontage of property and any planting within a 0.5 m strip to rear of wall not to exceed a height of

- 1 m above level of nearside channel level of adjoining highway.
10. No part of building to be permitted within 3 m either side of centreline of the public sewer.
 11. Land drainage run-off not permitted to discharge into public sewerage system.
 12. No surface water allowed to connect to public sewerage system unless approved by Local Planning Authority.
 13. Foul water and surface water discharges drained separately from site.
 14. Retention of trees and hedgerows along southern boundary.
 15. Boundary treatments to be further submitted and approved prior to the commencement of development.

If the direct payment or 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 D. Hutchinson

Requests that the application be referred to planning committee for Members to assess the impact of the development upon adjoining occupiers.

Councillor M.J. Peers

Preliminary views of:-

- Does the position of the dwelling on Plot 5 meet the distance between the front corner and the existing boundary with 121 Church Road in terms of planning policy?
- Can a condition be imposed to build a proper retaining wall adjacent to the north side of the workshop and the site?
- Requires assurance that no surface water will be disposed of onto 121.
- Necessary to improve a condition/covenant to prevent the planting of a hedge or installation of a fence at Plot 5 in order not to block visibility to vehicles leaving 121.

Buckley Town Council

No observations.

Highways Development Control Manager

Recommends that any permission to include suggested conditions.

Environmental Protection Manager

No objections in principle. However, site has a historical use as a garage and service station and there is some justification that contamination could be present in all or part of the site. Additionally, the proposed development which includes residential accommodation could be vulnerable to the presence of contamination. Therefore, recommends that a suggested condition be attached to any planning permission granted.

Head of Education & Youth

Would not request a Section 106 contribution.

Public Open Spaces Manager

In accordance with Planning Guidance Note No. 13 POS provision, the Council should be seeking payment of not less than £1,100 per dwelling in lieu of on site POS. The payment would be used to enhance existing POS in the community.

Chief Officer (Governance)

Will not affect the common land registered under CL7 Commons Registration Act 1965.

North Wales Police Crime Prevention

Supports the application, if a planning condition is imposed on the development that all houses are built to secured by Design Standard parts 1 & 2 Codes for Sustainable Homes Part 2.

Dwr Cymru/Welsh Water

If minded to grant planning consent requests supported conditions and advisory notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Buckley Commoners & Graziers

No comments.

Wales & West Utilities

No objections. However, apparatus may be at risk during construction works and should consent be granted requires the promoter to contact them directly to discuss their requirements in detail.

SP Energy Networks

No objections.

Airbus

Does not conflict with safeguarding criteria.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

2 letters of objection received. The grounds of objection being:-

- Distance of at least 2 m from the road back needs to be clear and no wall blocking visibility as it could result in a road traffic fatality. Could this be as a condition upon any planning permission to ensure highway safety?
- A retaining wall would damage the tree hedge. Therefore No. 121 proposes removal of the tree hedge and a retaining wall be built.
- Overdevelopment of the site and incongruous to the area.
- No evidence of sustainable site drainage information, nor evidence of any soil investigation/infiltration testing.
- Plans should be updated to annotate the materials to be used.
- Unless the whole of the driveway serving Plots 2-5 inclusive are shared, this is not appropriate as vehicles from Plot 5 cannot egress the site without utilising the property of Plot 4.
- Overlooking onto proposed properties to the rear of the site. Planning Guidance Note 2 'Space About Dwellings' is not being met taking into account differences in levels.

5.00 SITE HISTORY

5.01 **044544**

Demolition of existing garage/car showroom and construction of 10 No. new 2.5/3 storey houses with new access road and associated parking – Withdrawn 23rd July 2008.

41272

Outline – Residential development – Granted 6th November 2006.

4/0/9409

Display for sale (in open) of motor vehicles – Granted 2nd June 1981.

4/0/20867

Outline – Residential development – Granted 1st October 1991.

065/79

Proposed garage and petrol filling station and transport yard – Granted 27th May 1965.

363/42

Outline – Filling station and garage – Granted 28th February 1964.

Adjacent Site

051906

Outline – Erection of 5 No. two storey dwellinghouses, formation of service road and all other associated works – Current.

050281

Outline – Residential development consisting of 3 No. four bedroom detailed bungalows – Granted 8th January 2014.

6.00 PLANNING POLICIES**6.01 Flintshire Unitary Development Plan**

STR1 – New Development.

STR2 – Transport & Communications.

STR4 – Housing.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

AC13 – Access & Traffic Impact.

HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Development.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP16 – Water Resources.

EWP17 – Flood Risk.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 ‘Space Around Dwellings’.

Location Planning Guidance Note 13 ‘Open Space Requirements’.

Local Planning Guidance Note 22 ‘Planning Obligations’.

Adopted Supplementary Planning Guidance 23 ‘Developer Contributions to Education’.

National Planning Policy

Planning Policy Wales (Edition 65 February 2014).

Technical Advice Note (TAN) 12: ‘Design’ (2009).

Technical Advice Note (TAN) 16: ‘Sport, Recreation & Open Space’ (2009).

The site is located within the settlement limit for Buckley as defined within the Flintshire Unitary Development Plan. Buckley is also classed as a Category A settlement. Therefore, it is considered that in principle, residential development is acceptable on the site in planning policy terms. What needs to be considered are the details of the proposals.

7.00 PLANNING APPRAISAL**7.01 Site Description & Proposals**

The site comprises of the existing single storey showroom and service garage buildings together with the forecourt of Williams Quality Cars, Church Road, Buckley.

- 7.02 The land slopes gently downwards from Church Road to the south of the site where all of the buildings are located. Along this boundary is a good screen of trees and hedgerow.
- 7.03 Adjacent to the site, to the north west lies the existing detached dormer bungalow of 133, to the south east the existing two storey dwelling of 119 Church Road and to the south of the site a vacant piece of land (approximately 0.2 ha) which has the benefit of outline planning permission for 3, four bedroomed detached houses and 1, three bedroomed detached bungalow (050281) and also subject to planning application 051906 seeking outline permission for the erection of 5 No. two storey dwellinghouses which is upon this agenda for determination by Members.
- 7.04 The site is located upon the southern side of Church Road, Buckley, just south east of the junction with Liverpool Road.
- 7.05 The proposals involve the demolition of the existing car showroom and service garage buildings and the erection of 5 detached two storey dwellings, of which 4 will be four bedroomed with 1 three bedroomed.
- 7.06 Plots 2 & 3 and 4 & 5 will be served off two shared access points off Church Road with Plot 1 having its own access off the same road.
- 7.07 All the proposed dwellings will be constructed within facing brick walls and tiled roofs.
- 7.08 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area, the effects upon the amenities of adjoining residents and matters of drainage.
- 7.09 Principle of Development
The site is located within the settlement boundary of Buckley within the Flintshire Unitary Development Plan which is a Category 'A' settlement with an array of facilities and services. In this context therefore, there is a clear policy framework supporting the principle of residential development subject to the requisite open space and educational contributions being provided.
- 7.10 Highway Implications
The site is currently served by two vehicular access points off Church Road. The proposed dwellings will be served via three new access

points off this road. Plot 1 will have its own access with Plots 2 & 3 & 4 & 5 sharing the other two.

- 7.11 The Highways Development Control Manager has been consulted upon the application who recommends that any permission includes suggested conditions. One of those conditions being that the boundary wall and any planting along the frontage of the developments be restricted to a height of no more than 1m. This is in order not to restrict visibility to vehicles leaving the developments or the neighbouring property in the interests of highway safety.
- 7.12 The Highways Development Control Manager offers no objections upon highway grounds, given the traffic generation for the proposed use is not seen to be any more onerous than the existing business use associated with the site. The proposed technical details of the proposed access points are also considered to be acceptable.
- 7.13 Character & Appearance of Area
The site is located in a predominately residential area where there is a mix of type, style and materials of dwellings.
- 7.14 Given the above, it is considered that the proposed dwellings being of two storey, detached, of a contemporary design and constructed within facing brick walls with tiled roofs will not appear to be out of keeping with those surrounding the site.
- 7.15 Amenities of Adjoining Occupiers
Those considered to be most possibly affected by the development in terms of loss of light, privacy and obtrusiveness are the occupiers of the existing property at 133 Church Road to the north east and the proposed development which has outline planning permission and is subject to an outline application currently under consideration to the rear of the site.
- 7.16 133 Church Road is the most affected by Plot 1 of the development. The distance between both side elevations nearest each other varies from approximately 9 – 12 m with Plot 1 being positioned also at angle and 133 having a secondary window upon this elevation. Plot 1 does have a bedroom window at first floor level which would overlook the rear garden of 133 but this will be only at its far end.
- 7.17 In relation to the proposed development to the rear of the site which is at a slightly lower level, the indicative layout shows that three dwellings with their side elevations will be located in proximity to the boundary. The distance between the rear elevations of the dwellings subject to this application and the side of the proposed dwellings subject to application 051906 varies between 12 m – 14 m. This distance complies with the guidelines within Local Planning Guidance Note 2 'Space About Dwellings' taking into account the change in levels.

7.18 Given the above, it is considered that the proposals will not have a significant detrimental impact upon the amenities of the occupiers of the existing property of 133 Church Road or the proposed properties to the rear.

7.19 Drainage

The Applicant's Agent has indicated that foul water from the development is to be disposed of via the existing public sewer with surface water now being drained into soakaways.

7.20 The current site is almost completely hard surfaced, so it is understandable that any surface water that is not captured by the existing drainage system could escape onto adjoining land. However, the development will contain soft landscaped garden areas and permeable paving which the surface water will drain into.

8.00 CONCLUSION

8.01 For the above reasons, the development is considered acceptable in planning terms.

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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