

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **16<sup>TH</sup> DECEMBER 2015**

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

**SUBJECT:** **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT BOARS HEAD INN, HOLYWELL ROAD, EWLOE.**

**APPLICATION NUMBER:** **054163**

**APPLICANT:** **MR GARY AMES**

**SITE:** **THE BOARS HEAD INN, HOLYWELL ROAD, EWLOE**

**APPLICATION VALID DATE:** **11.08.15**

**LOCAL MEMBERS:** **COUNCILLOR ALISON HALFORD**  
**COUNCILLOR DAVID MACKIE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO OVERDEVELOPMENT AND TRAFFIC IMPACTS**

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

**1.00 SUMMARY**

1.01 This is an outline planning application for residential development with details of access provided. All other matters are reserved for future consideration. The principle of residential development and the indicated access points are acceptable in this location within a Category B settlement. The site is crossed by a foul rising main and there is a mine entry within the vicinity of the site. These constraints can be dealt with by condition and would not prohibit the residential use of the site.

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

That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or earlier payment to provide the following:-

- a) Payment of monies based on the school pupil multiplier formula towards educational provision/improvements in the form of 'internal accommodation alterations/refurbishment and resources for IT provision' at Ewloe Green Primary School and towards educational provision/ improvements in the form of 'additional toilets' at Hawarden High School
- b) An off –site commuted sum of £1,100 per dwelling or £733 per unit in lieu of onsite provision to improve the quality of play provision at Circular Drive, Ewloe

**2.01**

1. Outline time commencement
2. Plans
3. Noise Assessment as part of reserved matters submission to inform design and mitigation
4. Siting, layout and design of means of access
5. Closure of other accesses and reinstatement
6. Access in accordance with attached residential standard detail
7. Parking facilities to be provided and retained
8. Provision of a 1.8m footway
9. Surface water and foul drainage and land drainage
10. No development shall commence unless a scheme has been agreed with the Council to ensure adequate access by the water authority to the foul rising main (3 metre easement)
11. A condition should therefore require prior to the submission of the reserved matters:
  - The submission of a scheme of intrusive site investigations for the mine entry for approval;
  - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
  - The undertaking of both of those schemes of intrusive site investigations;
  - As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
  - As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry if found on site, and the definition of suitable 'no-build' zones;
  - As part of the reserved matters application the submission of a scheme of treatment for the mine entry if found on site for approval;

- As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and a condition should also require prior to the commencement of development:
  - Implementation of those remedial works.
12. Detailed statement for demolition of building  
13. Photographic Survey

If the Obligation pursuant to Section 106 of the Town and 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 Alison Halford

Requests Committee determination and a site visit due to overdevelopment and traffic issues. It is a departure from the public house use which has historic interest.

##### Councillor David Mackie

Agrees to the determination of the application under delegated powers.

##### Hawarden Community Council

No objection.

##### Highways Development Control Manager

Any permission should have the following conditions;

- Siting, layout and design of means of access
- Closure of other accesses and reinstatement
- Access in accordance with attached residential standard detail
- Parking facilities to be provided and retained
- Provision of a 1.8m footway

##### Clwyd Powys Archaeological Trust

Request a photographic survey of the public house.

##### Public Rights of Way

There are no public footpaths or rights of way affected by the development.

##### Education and Youth

The nearest Primary School is Ewloe Green County Primary School which has -3.72% surplus places. The nearest High School is Hawarden High School which has -0.35% surplus places. As both schools have less than 5% surplus spaces an Education contribution is required if the development has more than 5 two bedroom

properties. The indicative layout shows that the site could exceed this threshold and therefore a requirement for an education contribution should be applied to this development. This would be in the form of the payment of monies based on the school pupil multiplier formula on the final number of units towards a project for educational provision/improvements in the form of 'internal accommodation alterations/refurbishment and resources for IT provision' at Ewloe Green Primary School and towards educational provision/improvements in the form of 'additional toilets' at Hawarden High School.

#### Head of Public Protection

The site is adjacent to Liverpool Road and the Holywell Road junction and close to the A494/A55 Ewloe roundabout which are included in the Noise Action plan for Wales which looks at amongst other things the noise from busy roads. The calculated data for this road indicates that parts of the site will be within Noise Exposure Category (NEC) B/C during the daytime and possibly the night time under the Welsh Government Technical Advice Notes 11. This means that specific measures are probably necessary to protect the amenity of the future residents. Such measures may include the provision of enhanced glazing and acoustic barriers to be installed at affected properties. In order to establish the actual sound climate as it affects the site a noise survey should be undertaken and this should be secured by condition.

#### Welsh Water/Dwr Cymru

No objections subject to conditions covering surface water and foul drainage and land drainage.

The proposed development is crossed by a public sewer (a foul rising main) and there should be a 3 metre easement either side of the centreline of the public sewer.

#### Natural Resources Wales

No objection. Advise that internal ecologist is consulted with regards to the potential impact of the proposed development on the favourable conservation status of bats.

#### Public Open Spaces Manager

For a development of this size in accordance with Local Planning Guidance Note 13 an off-site contribution of £1,100 per dwelling should be sought for dwellings and £733 for apartments. Within this ward there are Circular Drive Play Area, Yowley Road Play Area, Sheriden Avenue, Spenser Close and Level Lane Play Areas. The nearest facility is Circular Drive Play area and therefore any commuted sum would be to improve the quality of play provision at Circular Drive, Ewloe.

#### Community Safety Officer

Provides comments on designing out crime.

### Welsh Government Transportation Division

The Welsh Government as Highway Authority for the A494 trunk road does not issue a direction in respect of this application.

### The Coal Authority

The application site falls within the defined Development High Risk area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority records indicate that there is a recorded mine entry within 20m of the boundary with a zone of influence which extends into the application site. The Coal Authority holds no treatment detail of this recorded mine entry and it has a potential departure distance of 8m. This means the mine entry could be located on the application site.

Although not supported by a Coal Mining Risk Assessment the planning application is supported by a Structural Report which considers the condition of the existing building and identifies the site is in an area where shallow mine workings are known to exist and there is an existing mine shaft within influencing distance of the existing building. The report states that an intrusive site investigation will need to be carried out in order to investigate potential coal mine workings beneath the site and in order to try and locate the mine entry. The report notes that remediation works may be necessary including stabilising the mine entry if it is found to be on the site.

Should the mine entry be located on the site the Coal Authority would expect its location to inform the site layout in order to ensure appropriate separation between the mine entry and the new development proposals. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy.

In the event that shallow mine workings are encountered or the mine entry is located on the site, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required.

A condition should therefore require prior to the submission of the reserved matters:

- The submission of a scheme of intrusive site investigations for the mine entry for approval;
- The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- The undertaking of both of those schemes of intrusive site investigations;

- As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
- As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry if found on site, and the definition of suitable 'no-build' zones;
- As part of the reserved matters application the submission of a scheme of treatment for the mine entry if found on site for approval;
- As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and a condition should also require prior to the commencement of development:
- Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

#### **4.00 PUBLICITY**

##### **4.01 Press Notice, Site Notice, Neighbour Notification**

4 letter of objection on the grounds of;

- Increase in traffic on a busy road
- Ewloe will lose its character and history
- Increase in traffic
- Schools are full
- No more new development needed
- Should retain historic pub
- Front façade should be retained and preserved as it is an ancient building and the oldest in Ewloe after the castle.

#### **5.00 SITE HISTORY**

5.01 Applications relating to the use of the Boars Head as a pub for signage and boiler room.

14/052158 Prior notification for the demolition of the Boars Head. Undetermined.

#### **6.00 PLANNING POLICIES**

##### **6.01 Flintshire Unitary Development Plan**

STR1 - New Development

STR 4 – Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout  
D2 - Design  
D3 - Landscaping  
WB1 - Species Protection  
AC13 - Access and Traffic Impact  
AC18 - Parking Provision and New Development  
HSG3 – Housing on Unallocated Sites within settlement boundaries  
HSG8 - Density of Development  
SR5 - Outdoor Playing Space and New Residential Development  
S11 - Retention of Local Facilities  
EWP13 – Nuisance  
EWP14 – Derelict and Contaminated Land  
EWP15 – Development of Unstable Land  
EWP16 – Water Resources

It is considered the proposal is in accordance with the above development plan policies.

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is an outline planning application for residential development with details of access provided. All other matters are reserved for future consideration.

### 7.02 Site description

The application site is the former Boars Head public house and its associated car parking. It is situated on the corner of Holywell Road and Old Mold Road at a key road junction which forms its eastern and southern boundaries. The former public house building remains and is situated in the eastern corner of the site. It is a two storey white render building which has been extended and altered incrementally over the years. The land to the west of the former pub is partially hardstanding and was used as car parking with some over grown areas to the north and north east.

7.03 To the north of the site are the residential properties of Nyth Bach a bungalow and Melville a two storey property. To the west of the application site is a two storey dwelling known as Oak Royd.

### 7.04 Proposed development

This is an outline planning application for residential development with details of access provided. All other matters are reserved for future consideration. It is proposed to demolish the existing building on the site and redevelop the site for residential use. The indicative layout shows three points of access with two off Old Mold Road and one off Holywell Road, with two parking courts and driveway parking.

7.05 The layout illustrates the site could accommodate 11 units with 9 dwellings of two storey in nature with rear private amenity areas and 2

two bedroom apartments. An indicative street scene has also been submitted which shows traditional two storey semi-detached properties. An Ecological Survey and a Structural Survey also accompany the application.

7.06 Principle of development

The site is a brownfield site within the settlement boundary of Ewloe. Ewloe is a Category B settlement within the adopted UDP. Monitoring of the growth rates of Category B settlements ended as of 1<sup>st</sup> April 2015. Ewloe is a sustainable settlement with a range of facilities and services. The development of this previously developed site in this location would be in accordance with the principles of Planning Policy Wales. The area is predominantly residential in nature with a mixture of some commercial uses with the social club, local shops and a car auction in close proximity. The principle of residential development is therefore acceptable.

7.07 There is a building on the site which was the former Boars Head public house. The use of the building ceased some time ago and would need significant repairs to be reused for its original purpose. Policy S11 of the UDP allows the loss of a public house where similar facilities exist in the neighbourhood. In this instance the site is opposite a social club and near both St. David's Park Hotel and the Running Hare public house. The loss of this facility is therefore accepted.

7.08 The building is of local historic interest although not formally designated as a Listed Building or Building of Local Interest. While there has been some interest locally in retaining the building it has no policy protection. A Structural Survey has been submitted with the application which states that 'it would not be feasible to convert the building to provide habitable space for modern living'.

7.09 The site is a prominent location on a busy road junction and therefore needs a landmark development of architectural merit. However, this is an outline application with all matters except for access reserved for future consideration. The layout and form of the development will be dealt with at reserved matters stage. The indicative layout and street scene show a traditional form of development which has the potential to enhance the street scene and improve the character of the area. There is also the opportunity for elements of the building such as the date plaque to be retained and incorporated within the site.

7.10 Ecology

An ecological survey of the site was undertaken by Clwydian Ecology to assess for the potential for breeding birds and bats. This was undertaken in October and not at an optimal time of year. There was no visible evidence of bats from the survey of the building however all of the pitched roof voids were not accessible as the ceilings are sealed. Externally there is a large hole in the roof where the lead has



been removed, various tiles have slipped leaving gaps and small cavities. The eaves have direct and open access to the wall plate and potentially into the sealed roof voids. There are various gaps under the ridge tiles which may also be used by certain species of bats.

7.11 While the form of the building is potentially suitable for bats it is located within an urban location with adjacent street lighting and lighting from other properties which impact upon its potential. There is little other natural habitat within 200 metres of the site.

7.12 To assess the use of the building the applicant's ecologist recommends an emergence survey when bats are most active – May-early September. However in light of the above the Council's Ecologist considers a more detailed physical inspection of the building and the lofts could be undertaken to confirm if bats are present. In any event this would be covered by undertaking the demolition of the building in accordance with good practice for the demolition of the buildings as advised in the accompanying Ecological report. As this is an outline application this can be dealt with by condition to control the demolition of the building.

7.13 Noise

The site is adjacent to Liverpool Road and the Holywell Road junction and close to the A494/A55 Ewloe roundabout which are included in the Noise Action Plan for Wales which looks at amongst other things the noise from busy roads. The calculated data for this road indicates that parts of the site will be within Noise Exposure Category (NEC) B/C during the daytime and possibly the night time under the Welsh Government Technical Advice Notes 11.

7.14 This means that specific measures are probably necessary to protect the amenity of the future residents. Such measures may include the provision of enhanced glazing and acoustic barriers to be installed at affected properties. In order to establish the actual sound climate as it affects the site a noise survey should be undertaken and this should be secured by condition. It is considered that this should be submitted as part of any reserved matter submission so that the findings of the survey can inform the final layout and orientation of the dwellings.

7.15 Welsh Water Sewer

There is a 150mm foul rising main crossing the site. The applicant can apply to divert this rising main. The indicative site layout shows that it is positioned near to or under some of the proposed houses. Until a diversion is applied for a condition requiring the easement should still be applied to any consent. This would not prohibit the development of the site for residential use but would restrict the layout to accommodate the required easements, if a diversion is not undertaken.

7.16 Mining history

The application site falls within the Coal Authority's defined Development High Risk area. This means that within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority records indicate that there is a recorded mine entry within 20m of the boundary with a zone of influence which extends into the application site. This means the mine entry could be located on the application site.

- 7.17 Although not supported by a Coal Mining Risk Assessment the planning application is supported by a Structural Report which considers the condition of the existing building and identifies the site is in an area where shallow mine workings are known to exist and there is an existing mine shaft within influencing distance of the existing building. The report states that an intrusive site investigation will need to be carried out in order to investigate potential coal mine workings beneath the site and in order to try and locate the mine entry. The report notes that remediation works may be necessary including stabilising the mine entry if it is found to be on the site.
- 7.18 Should the mine entry be located on the site this should inform the site layout in order to ensure appropriate separation between the mine entry and the new development proposals. In the event that shallow mine workings are encountered or the mine entry is located on the site, due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required. A condition should therefore require prior to the submission of the reserved matters to deal with the potential for a mine entry to be located on the site and the appropriate remediation measures required.
- 7.19 S106 contributions and CILG compliance  
The application requires commuted sums for off-site open space improvements and improvements to education provision.
- 7.20 The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.21 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:
1. be necessary to make the development acceptable in planning terms;
  2. be directly related to the development; and
  3. be fairly and reasonably related in scale and kind to the

development.

- 7.22 Local Planning Guidance Note No.13 Open Space Requirements (LPGN13) and Policy SR5 Play Areas and New Housing Development of the Adopted Flintshire Development Plan sets out the Council's requirements in terms of new residential development and the provision of recreational open space. For a development of this size in accordance with LPGN13 an off-site contribution of £1,100 per dwelling should be sought for dwellings and £733 for apartments. This development is in outline and could accommodate a mixture of housing types. Within this ward there are Circular Drive Play Area, Yowley Road Play Area, Sheriden Avenue, Spenser Close and Level Lane Play Areas. The nearest facility is Circular Drive Play area. It is therefore considered that a commuted sum should be sought to improve the quality of play provision at Circular Drive, Ewloe. It is considered that this meets the Regulation 122 tests.
- 7.23 The Council has adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education on 17<sup>th</sup> July 2012. The nearest Primary School is Ewloe Green County Primary School which has -3.72% surplus places. The nearest High School is Hawarden High School which has -0.35% surplus places. As both schools have less than 5% surplus spaces an Education contribution is required in line with the SPG if the development has more than 5 units which have two bedrooms. The indicative layout shows that the site could exceed this threshold and therefore a requirement for an education contribution should be applied to this development through a S106 agreement. As the exact number of dwellings is unknown in this instance the S106 agreement would refer to the relevant primary and secondary formula multipliers applicable at that time.
- 7.24 For Ewloe Green Primary School this contribution would be towards a project for 'internal accommodation alterations/refurbishment and resources for IT provision' and would be towards a project to provide 'additional toilets' at Hawarden High School. It is considered that both of these contributions meet the Regulation 122 tests.

## **8.00 CONCLUSION**

- 8.01 The principle of residential development and the indicated access points are acceptable in this location within a Category B settlement. The site is crossed by a foul rising main and a mine entry could be located on the site. A noise survey is also required due to the location of the site in proximity to noise surveys. These constraints can be dealt with by condition and would not prohibit the residential use of the site.
- 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.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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