

FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **APPEAL BY MR. RICHARD BIRD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 5 NO. DWELLINGS AT FLINT CHAPEL, CHESTER ROAD, FLINT – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 054681

2.00 APPLICANT

2.01 Mr. Richard Bird

3.00 SITE

3.01 Former Chapel, Chester Road, Flint

4.00 APPLICATION VALID DATE

4.01

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision of an appeal following the refusal of planning permission under delegated powers for the erection of 5 dwellings on the site of the former chapel, Chester Road, Flint. The appeal was dealt with by written representations and was DISMISSED.

6.00 REPORT

6.01 The Inspector considered that the main issues were;

- the effect of the proposal on the living conditions of future occupants of the development in relation to amenity space and

in relation to noise and disturbance, and;

- whether sufficient information has been provided in relation to the adequacy of the parking arrangements on the site and the resultant effect on highway safety.

6.02 Impact on living conditions in relation to amenity space

The Inspector considered that the proposed development of three and four bedroom accommodation would cater for family occupants who may want a garden of a certain size, although it could equally be occupied by residents who do not want a garden of any size. Whilst it would be for future occupants to decide whether a garden of the size shown is appropriate for their needs, local planning policy through the application of local space standards apply a minimum provision for garden sizes associated with new development. The proposal is significantly deficient in relation to the provision of garden sizes for the size of the proposed accommodation, and this deficiency conflicts with local planning policy and supplementary guidance.

6.03 Whilst it would ultimately be a matter for buyers to choose whether they would want to live in a house with a particular size of garden provision is regulated to some degree by local planning policy in the form of supplementary guidance. This sets out minimum spatial standards that require to be met for the provision of acceptable living accommodation. In this case the development would deprive those who may occupy the dwelling houses with adequate size gardens, which families would normally expect to enjoy for the size of accommodation provided.

6.04 As the Council points out this is not a town centre location where minimum space standards may be lowered to secure a higher density of development. It is also noted that the local recreational park is some 500m from the proposed site along a busy road. The appellant also refers to the location of two allotments within 10 minutes walking distance from the appeal site. However, the Inspector considered that the existing amenity and play space provision would not necessarily be an attractive alternative to future residents since they would need to make a specific trip by car because the road fronting the site is a busy main thoroughfare. The amenity space is situated further towards the outskirts of Flint on the other side of this busy road, and young families may be inclined to make this journey by car rather than cross and walk to this specific location. Such local provision in this particular case would not make the proposed deficit in garden space acceptable.

6.05 The Inspector also noted that there are houses to the north of this site with smaller gardens than the appeal development but this situation is historical and the development may not have gained permission under the current policy had it been submitted now. He therefore considered that the level of garden space is not generally sufficient to cater for family type accommodation of this size and location and would conflict

with Flintshire Unitary Development Plan (UDP) policies GEN1 and HSG3 and LPG Note No.2. These policies broadly align with Planning Policy Wales Edition 8 (PPW) which promotes well designed housing environments and the notion of promoting and improving the quality of life, and this forms part of the need to ensure good inclusive design in all forms of development providing flexibility in the use of buildings and spaces that are enjoyable to use.

6.06 He noted that the suggestion that the appellant would be willing make a proportionate financial contribution towards open space provision off-site administered through a planning obligation. However, no planning obligation has been submitted to date and was therefore not before the Inspector. He was not persuaded based on the available evidence that the possibility of a contribution for off-site open space equipment would overcome the concerns in relation to the on-site deficiencies in amenity space.

6.07 He concluded that the proposal would harm the living conditions of future occupants of the development in relation to amenity space.

6.08 Impact on living conditions in relation to noise and disturbance

The Inspector did not consider that the parking layout shown would give rise to an unreasonable degree of disturbance, given that residents would only be disturbed predominantly by the movement of their own vehicles, and boundary treatments provide a degree of separation and containment of noise and disturbance from cars being parked and moved around. Residents acquiring property on the site would be aware of the local environment; that is the current established funeral director use, and traffic noise from the adjacent busy road and railway line. He concluded that the proposal would not harm the living conditions of future occupants of the development in relation to noise and disturbance, and would not conflict with UDP policies HSG3 and GEN1.

6.09 Highway safety

The proposed development provides 1 car parking space each for the 3 bedroom units and 2 parking spaces each for the four bedroom units and three visitor parking spaces. In total 10 spaces are shown with three spaces shown dedicated for the Chapel of Rest, providing 13 spaces overall for the combined residential and funeral director uses.

6.10 The Council indicates that the parking provision is deficient for the combined uses. It indicates that the residential development should be providing a maximum of 12 spaces (2 spaces for each 3 bedroom unit and 3 spaces for each 4 bedroom unit). There is no equivalent maximum parking standard for the funeral director use under the LPG Note No 11 Parking Standards adopted on 19 April 2006.

6.11 Three car parking spaces are shown on the submitted plan for visitors leaving 7 spaces for the residential units. The Council say that utilising

these 3 visitor spaces for the occasional use of the funeral director would take-up some of the required car parking provision associated with the residential use and therefore there would be a deficit in the required car parking provision. The appellant indicates that on average there would be just over 40 funerals per year equating to one funeral per week. These would only take place during weekdays between normal working hours and would last for around an hour. The three visitor parking spaces would be used during the duration of the funeral service and the appellant indicates that it would not conflict with the residential use during these times. The design and access statement indicated that there would be a range of between one to five funerals per week but subsequent information submitted reduces this to one funeral per week.

6.12 There is no significant dispute that the site is highly sustainable on the edge of the town centre and is served by buses that stop adjacent to the site. Policy AC18 and LPG Note No 11 states that parking standards are applied as a maximum. The Inspector considered that the occasional use of 3 visitor parking spaces during weekdays and normal working hours by those attending a funeral would not necessarily conflict with the residential use parking provision during the limited times and duration these events occur. He does not consider that residents of the residential development would be forced to park on other streets in the vicinity of the site during these particular events, since there would be, 2 spaces available for each of the 4 bedroom properties, and 1 space for each of the three bedroom houses. During working hours that level of provision is sufficient to meet the needs of the proposed development, given the available evidence on the limited frequency and duration of funerals adjacent to the proposed development, the accessibility to a choice of public transport modes and the opportunity within the site to provide secured cycle storage for each proposed residential unit.

6.13 It is considered the proposal would not conflict with policies AC18, HSG3, GEN1 and LPG Note No 11 in so far as these relate to the issue of highway safety. He concludes that sufficient information has been provided in relation to the adequacy of the parking arrangements on the site and that the proposal would not harm highway safety.

7.00 CONCLUSION

7.01 The Inspector concluded that the proposal would harm living conditions in relation to amenity space and this matter outweighs my favourable conclusions for the appellant on highway safety, noise and disturbance and privacy. Whilst he is aware there is a recognised shortfall in housing land supply this factor is not given considerable weight where the development would otherwise conflict with the development plan. The proposal conflicts with the development plan and the planning balance is against allowing the development.

- 7.02 The Council indicate that financial contributions are required for education and off-site equipment for enhancement of an open space. The Council has provided a Community Infrastructure Levy compliance statement. The appellant has briefly indicated that he would be willing to make a contribution towards open space provision, but has not referred to the education contribution. However no planning obligation was before the Inspector, and as he dismissed the appeal, based on the planning balance set out above, the absence of the planning obligation is not a determining factor.
- 7.03 For these reasons, the appeal was **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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