

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY 25<sup>TH</sup> JULY 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL PLANNING APPLICATION FOR THE CONVERSION OF FORMER PUBLIC HOUSE WITH ASSOCIATED LIVING ACCOMMODATION TO FOUR DWELLINGS OF WHICH THREE ARE FOR AFFORDABLE RENTAL HOUSING AT LLYN Y MAWN INN, BRYNFORD CH8 8AD**

**APPLICATION NUMBER:** **049641**

**APPLICANT:** **MR DAVID PIERCE**

**SITE:** **LLYN Y MAWN INN, BRYNFORD CH8 8AD**

**APPLICATION VALID DATE:** **11/ 4/2012**

**LOCAL MEMBERS:** **COUNCILLOR M G WRIGHT**

**TOWN/COMMUNITY COUNCIL:** **BRYNFORD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **RECOMMENDATION FOR APPROVAL SUBJECT TO A S106 AGREEMENT FOR AFFORDABLE HOUSING WHICH DOES NOT FALL WITHIN THE SCHEME OF DELEGATION.**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 A full application for the conversion of a former public house with associated living accommodation to four dwellings of which three are for affordable rental housing. The matter for consideration is the imposition of a Section 106 Agreement to ensure the three new properties are retained for local people who require affordable rentable housing, and, in lieu of on site play provision a commuted sum of £2199.00

**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 and/or advance payment of commuted sum, in respect of the following matters:

1. to ensure the three new properties are retained for local people who require affordable rentable housing, and
2. in lieu of on site play provision a commuted sum of £2199.00.

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Details of all external materials of dwellings to be submitted for written approval.
4. Landscaping proposals to be submitted for written agreement.
5. Implementation of agreed landscaping scheme.
6. Full details of allocated parking spaces and manoeuvring area to be submitted for written approval prior to the development being brought into use.
7. The existing access shall be permanently closed and the highway reinstated once the new access is brought into use.
8. Removal of Permitted Development Rights

**3.00 CONSULTATIONS**

3.01 Local Member:

Councillor M Wright:

Local people to access the affordable dwellings.

Brynford Community Council:

No objection

Head of Assets and Transportation:

Recommend conditions and notes be attached to any planning permission in regard to:

- Parking provision
- The closure of the existing access
- Supplementary notes

Head of Pollution Control:

No objections to these proposals in principle. However, the site is an area of known historical lead mining and it is noted that it is proposed to "landscape" the external amenity areas.

In addition the site is adjacent to the A55 and as such is subject to traffic noise. Brief noise readings taken in this area indicate that the site is within Noise Exposure Category (NEC) B during the daytime under the Welsh Guidance Technical Advice Notes 11. This means

that specific measures are necessary to protect the amenity of the future residents.

As such conditions for Contaminated Land and Noise shall be attached to any approval.

Public Open Spaces Manager:

An off site commuted sum of £733 per affordable rental property should be sought to enhance play and recreation facilities in the community.

Dwr Cymru/Welsh Water:

Advise that the applicants contact the Environment Agency in regard to drainage disposal.

Wales & West Utilities:

No response at time of writing report

National Grid:

No response at time of writing report

CADW:

No response at time of writing report

Welsh Historic Gardens Trust:

No objection

Housing Strategy:

Twenty applicants are registered for rental accommodation in Brynford

**4.00 PUBLICITY**

4.01 Site Notice & Neighbour Notification

6 (2 from the same address) letters of objection received

- There is no need for cheap rental accommodation in the area
- The proposal is not in keeping with other properties in the area
- The proposed development is not the best use of the site
- Object to the development of affordable housing
- Loss of a community facility
- Detrimental impact on the character, residential amenity of the area and the Building of Local Interest.
- Highway safety

**5.00 SITE HISTORY**

5.01 **276/94**

Two storey extension. Planning permission granted 9/6/1994

**1272/90**

Outline Application - Dwelling and garage. Planning permission refused 7/6/91

**895/90**

Extensions. Planning permission granted 30/10/90

**561/88**

Double garage. Planning permission granted 12/9/88

**525/86**

Extensions. Planning permission granted 30/9/86

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan (FUDP)

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy HSG1 - New Housing Development Proposals

Policy HE4 – Buildings of Local Interest

Policy D1 - Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy AC13 – Access and Traffic Impacts

Policy AC18 – Parking Provision and New Development.

**7.00 PLANNING APPRAISAL**

7.01 Site Description

The site comprises of a former public house, the Llyn y Mawn Inn and associated residential accommodation, the public house has been closed and the building is now empty. The land to the rear of the building slope upwards toward the north and western boundaries of the site. When undertaking the site visit this part of the site had been cleared. The application has been submitted as a result of pre-application discussions/negotiations with the applicant and agent.

7.02

The building is located at the end of eastern side of the 'T' shaped access road off the B5121, which serves several residential properties. The A55 runs overhead a short distance from the eastern site boundary. Mature trees define the east and north western boundaries to the site.

7.03

The proposed development includes the conversion of the original building to one four bedroom residential dwelling and the conversion

of the rear extensions to three, two bedroom, affordable rental properties, together with the provision of rear amenity space and parking for each dwelling.

7.04 The application also includes the demolition of some of the later additions to the rear. Additional windows and doors have been kept to a minimum and any new windows and doors will be in character with the existing building.

7.05 Principle of Development

The site falls within the settlement boundary of Brynford and the public house is designation as a Building of Local Interest (BLI).

7.06 The loss of a local facility such as a public house is considered under policy S11 – retention of local facilities, of the adopted Flintshire Unitary Development Plan, however, at the time of submission, there is an existing public house in the community, The Crooked Horn, therefore this policy does not apply.

7.07 The site is located within the village of Brynford, which is a category C settlement. New housing proposals on unallocated sites within settlement boundaries are considered in regard to Policy HSG3. New dwellings and the change of use of non-residential building to dwellings will only be permitted in category C settlements where the new dwellings meet proven local needs and cumulatively do not result in over 10% growth since the base date of the FUDP (2000). The latest settlement growth figures, April 2012, illustrate that since the base date of the plan, housing completions have resulted in 4% growth in Brynford, which means this proposal for housing can be permitted during the plan period in this category C settlement provided it is to meet proven local needs, i.e. essential worker dwelling or affordable housing.

7.08 As the public house had a residential use attached to it, this element of the proposal is not required to provide affordable housing. Therefore the 3 new proposed dwellings are required to meet local needs, in this case affordable rental accommodation.

7.09 In consultation with Housing Strategy it has been established that there are 20 applicants registered on the Council's Social Housing Waiting List for rental accommodation in Brynford.

7.10 Highways

In order to improve access to the site the access has been moved slightly to the north. Highways do not object to the proposal and recommend conditions be attached to any planning permission in regard to the provision and retention of parking and turning facilities within the site and the reinstatement and permanent closure of the existing.

- 7.11 Open Space Provision  
Consultation with the Leisure Services Unit establishes that an off site commuted sum of £733 per affordable rental dwelling is sought, which equates to a total of £2199, to be used to enhance play and recreation facilities in the Brynford community. Payment should be made upon 50% occupation of the development. Should the developer require any green space to be adopted by the authority, a commuted sum payment for not less than ten years maintenance cost would be required.
- 7.12 Building of Local Interest  
Policy HE4 allows for essential demolition of buildings and alterations that do not adversely affect the architectural or historic character of the building.
- 7.13 The building as it stands has been greatly extended in the recent past in relation to its use as public house. These extensions are of an indifferent modern style and are overbearing and harmful to the simple linear plan form of the original building. The demolition of some of these extensions improves the building and allows the original part of the building a view over its own amenity space. The proposed change of use would ensure the building is kept in use and is not left to fall into a state of disrepair. In order to preserve the integrity and form of the Building of Local Interest, permitted development rights would be removed.
- 7.14 Ecology  
Given that the site is outside of Halkyn mountain Special Area of Conservation and that there are only old Great Crested Newts records within 300m of the site it is recommend that a note to the applicant with regard to protected species is attached to any planning permission. Bats could also be incorporated into the note, however while there is some potential for bats there is no immediate habitat present.
- 7.15 Objections  
Eight written objections have been received on the grounds as detailed above. The issues raised have been considered in the body of this report.
- 8.00 CONCLUSION**
- 8.01 Taking all of the above matters into consideration, it is my view that there is a need for affordable rental accommodation within Brynford. The proposed development has been sympathetically designed in regard to the existing building of local interest and is not considered to have an adverse impact on the character or residential amenity of the area.
- 8.02 As such I recommend conditional approval be granted subject to the

signing of a Section 106 Obligation to ensure the three new properties are maintained for local people who require affordable rental housing and to secure payment of the commuted sum.

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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