

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25TH OCTOBER 2023**

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

SUBJECT: **RETENTION OF EXISTING PUBLIC HOUSE AND ERECTION OF 2 THREE BEDROOMED DWELLINGS (USE CLASS C3) UTILISING EXISTING ACCESS OFF KINNERTON LANE, WITH ASSOCIATED PARKING, HARD AND SOFT LANDSCAPING, INCLUDING THE RECONFIGURATION OF THE PUBLIC HOUSE CAR PARK.**

APPLICATION NUMBER: **FUL/000240/23**

APPLICANT: **PUNCH PARTNERSHIPS (PML) LIMITED**

SITE: **ROYAL OAK, KINNERTON LANE, HIGHER KINNERTON, FLINTSHIRE, CH4 9BE**

APPLICATION VALID DATE: **13TH MARCH 2023**

LOCAL MEMBERS: **COUNCILLOR M. ALLPORT**

TOWN/COMMUNITY COUNCIL: **HIGHER KINNERTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER CONSIDERS THE PROPOSALS NEED TO BE CONSIDERED BY MEMBERS OF THE PLANNING COMMITTEE**

SITE VISIT: **YES – CONSIDERS THAT THE MEMBERS NEED TO SEE THE SITE AS IT IS DIFFICULT TO ASSESS ON PAPER**

1.00 SUMMARY

- 1.01 This application seeks consent for the erection of 2no dwellings on an area of carpark/storage associated with the existing public house, whilst maintaining access and parking facilities of the public house at the Royal Oak, Higher Kinnerton, Flintshire.

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

2.01 Conditions

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the approved plans and documents.
3. The existing access, proposed to serve the public house, shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 0.6m above the nearside channel level of the adjoining highway.
4. The existing access, proposed to serve the new development, shall have a visibility splay of 2.4m x 43m in an easterly direction measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.
5. Any proposed EV charging point shall be located within the application site edged red and clear of the adopted highway.
6. Notwithstanding the provisions of Classes A, B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by the said classes shall be carried out without a further grant of a planning permission of the Local Planning Authority.

3.00 CONSULTATIONS

3.01 Local Member – Councillor M. Allport: Requests committee determination and site visit as considers the application is too complex to assess on paper without Members having the opportunity to visit the site.

Higher Kinnerton Community Council: Raises objection on the following grounds;

- Considers the proposal does not provide the range of housing to meet the local needs;

- Proposal does not properly take account of the Higher Kinnerton Village Plan;
- Suggests proposal is based upon inaccurate information in relation to access to public transport services;
- Considers access proposals to be inadequate in terms of access width and visibility splays;
- Hedgerow removal to facilitate visibility will adversely affect streetscene character and appearance; and
- Inadequate parking is retained for the public house.

Highways Development Control: No objection. Requests the imposition of conditions relating to visibility splays and the positioning of the proposed EV charging point clear of the highway.

Community & Business Protection: No adverse comments. Does not request the imposition of any conditions.

Leisure Capital Projects: No requirements for developer contributions.

Dwr Cymru/Welsh Water: Confirms capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site with no problems envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. No objection to proposed surface water disposal methods.

The development requires approval of Sustainable Drainage Systems (SuDS) features from SAB in relation to surface water disposal proposals.

Natural Resources Wales: Considers insufficient information has been provided in relation to proposed foul drainage proposals for the development. Notes the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) and advises that the proposals, as submitted, should be assessed to ensure that they would not increase the volume of foul discharge from the site in planning terms.

Airbus: No objection

4.00 PUBLICITY

4.01 19 Neighbour Notifications were issued as part of the consultation process and 9 representations have been received. The objections are summarised as follows:

1. Loss of privacy
2. Loss of light/overshadowing

3. Noise and disturbance
4. Odours
5. Loss of trees
6. Highway Safety
7. Road Access
8. Landscaping
9. Visual amenity

5.00 SITE HISTORY

5.01 **058221** – Beer Garden development with material changes, new fixed structures & boundary treatments, demolition of existing garages to the rear, siting of a storage container and general internal & external refurbishment works – Approved 20/11/18

043355 – Erection of assorted illuminated signage – Approved 04/09/07

043431 – Extension to canopy – Approved 16/07/07

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
 Policy STR2 The Location of Development
 Policy STR13 Natural and Built Environment, Green Networks and Infrastructure
 Policy STR4 Principles of Sustainable Development Design and Placemaking
 Policy STR5 Transport and Accessibility
 Policy STR6 Services, Facilities and Infrastructure
 Policy STR2: The Location of Development
 Policy PC1: The Relationship of Development to Settlement Boundaries
 Policy PC2: General Requirements for Development
 Policy PC3: Design
 Policy PC4: Sustainability and Resilience of New Development
 Policy PC5: Transport and Accessibility
 Policy PC6: Active Travel
 Policy PC7: Passenger Transport

Supplementary Planning Guidance Notes (SPGN)

SPGN 2 – Space around dwellings
 SPGN 3 – Landscaping
 SPGN 4 -Trees and Development
 SPGN 11 -Parking Standards

National Planning Policy

Planning Policy Wales Ed. 11
 Future Wales Plan 20-40
 TAN 12 – Design

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site comprises the Royal Oak Public House and car park located off Main Road, Higher Kinnerton. The building is a two storey, traditional building having a white rendered stone finish under a slate roof. The public house is afforded a large car park, and is bound by a combination of hedging, timber fencing and mature trees. The site lies within the defined settlement boundary of Higher Kinnerton and sits within a predominantly residential area.

7.02 The Proposals

The application seeks full planning permission to retain the existing public house (PH) and for the erection of two detached 3-bed dwellings on part of the existing car park at the north west of the site.

7.03 The two dwellings would front onto Kinnerton Lane, having rear gardens which back onto the car park of the former public house. The existing storage and bin area associated with the public house would be relocated to the west of the reconfigured car park. The car park will retain 35no. car parking spaces including 3no. disabled spaces. The scheme proposes the removal of several trees situated along the northwest and north of the site and the erection of a 1.8m high brick wall to the north side boundary with Kinnerton Lane.

7.04 Access to the site would be via the existing junction with Kinnerton Lane, with access and egress to the public house via the existing junction with Main Road. A total of 4no. parking spaces are proposed to serve the proposed dwellings and a dedicated refuse storage area is incorporated within the scheme to the far northwest of the site.

7.05 Main Considerations

The main issues in considering the application are:

- Principle of Development
- Impact upon character and appearance
- Adjacent living conditions
- Loss of Trees
- Parking and Access
- Foul Drainage and Protected Sites

7.06 Principle of Development

The site is located within the settlement boundary of Higher Kinnerton which is designated as a Tier 3 Sustainable Settlement in the adopted LDP. Policy STR2 specifies that such settlements will be the location for housing development related to the scale, character and role of the settlement and includes provision for windfall site. Higher Kinnerton provides and supports local community facilities such as a public library, school, independent shops and public houses. Higher

Kinnerton also has public transport links. The principle of development at this location is acceptable in accordance with policies STR2 and PC1 of the Local Development Plan.

- 7.07 Higher Kinnerton has a community produced Village Plan 2018 – 2030 (The Plan). The Plan acknowledges that Flintshire County Council has a duty to ensure local housing needs are met through the planning process. The Flintshire Local Development Plan (LDP) identifies sites throughout the County which are suitable for new housing, in order to ensure a sufficient supply of land for the period of the LDP. The Plan recognises that Higher Kinnerton is a desirable place to live and recognises the need for new housing in the County and accepts that Higher Kinnerton may accommodate some of this growth over the life of the LDP.
- 7.08 Balanced against this, The Plan identifies that development should not come at the cost of a decline in local infrastructure and local village amenities. The Plan suggests that the design of residential developments has also contributed to the growth and reliance of the use of the car as the main means of transport and has added to parking problems within the village. These matters represent material considerations in the determination of this planning application and will weigh into the judgement of the proposed development.
- 7.09 It is considered that this proposal is acceptable in planning policy terms.
- 7.10 Impact upon Character and Appearance
Plot 1 proposes a two-storey dwelling with an GIA of 96m², having a front garden area of 28 m² and private rear garden 209 m². Plot 2 similarly proposes a two-storey dwelling of 96 m² GIA, having a front garden area of 59 m² and private rear garden of 120 m². The boundaries of the two plots comprise 1.8m high close boarded fencing to the rear and sides with the aforementioned brick wall and associated planting to the boundary fronting Kinnerton Lane.
- 7.11 The proposed dwellings provide a principal elevation frontage to the road, thereby creating a streetscene which engages this length of road which presently comprises only side elevations of buildings, car park and accesses. This serves to link the proposed development to the existing residential developments to the north west and west of the site. Being dwellings proposed to be finished in brick and tile, they will visually relate well with this existing development in this area.
- 7.12 It is therefore considered the proposals would accord with the requirements of Policies Pc2 and Pcx3 in this regard.

- 7.13 Parking and Access
The access and parking proposals have been the subject of amendment and negotiation with the Council in its capacity as Local Highway Authority.
- 7.14 Subject to the imposition of conditions relating to visibility such that the existing access, proposed to serve the public house, shall have a visibility splay of 2.4m x 43m in both directions, and the existing access, proposed to serve the new development, shall have a visibility splay of 2.4m x 43m in an easterly direction. Therefore, notwithstanding concerns expressed in relation to acceptability of the proposed accesses to both the proposed dwellings and the amended public house car park, there is no objection to the proposals.
- 7.15 The proposals indicate that the existing public house car park will be reduced from 45No. parking spaces to provide 35No. spaces, including 2No. disabled spaces. Whilst concerns have been received in relation to the adequacy of this level of provision, no objection is raised on this basis and as such, it is considered that the provision is acceptable. It is also recommended to impose a condition ensuring that any EV charging points within the car park are not located within any part of the adopted highway.
- 7.16 As such, the proposals would accord with policies STR5 and PC5 of the Flintshire Local Development Plan.
- 7.17 Impacts upon Adjacent Living Conditions
The amended location of the proposed dwellings, to a position fronting the road is such that the separation distances set out in SPGN 2 : Space Around Dwellings are achieved, with a minimum separation of the order of 23m achieved at the nearest interface with dwellings at The Brackens to the south and west of the site. It should also be noted that, with the exception of No's 1 and 2 The Brackens, the interfaces with the remaining dwellings on the Brackens are oblique. It is also noted that windows serving bathrooms or en-suites are proposed to be obscure glazed. As such, adverse overlooking and perceptions of a loss of privacy are not well founded.
- 7.18 Concerns have also been raised in respect of the loss of light and overshadowing as result of the proposal. It is clear that the positioning of the dwellings to front the northern boundary of the site, allowing for the rising of the sun in the east and setting in the west, the path of the sun through the southern hemisphere of the sky, is such that with the exception of the first very early morning sun, the dwellings will not give rise to any overshadowing of nearby dwellings or loss of light.
- 7.19 As such, the proposals are considered to accord with Policy PC2 of the Flintshire Local Development Plan.

7.20 Loss of Trees

Concern has been raised in relation to the loss of trees and hedgerow to the northern boundary of the site. The existing boundary is marked by the same, together with a wooden picket fence. Closer scrutiny of the boundary shows that the trees are ornamental and the hedgerow is sparse and loosely grown through the fence and of very little ecological or amenity value. It is noted that the proposed low brick wall to this boundary of the site also propose the planting of a low hedge to the back edge of the wall. It is considered that this will adequately compensate for the existing planting which is to be removed.

7.21 Foul Drainage and Protected Sites

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments and assess whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

7.22 Dwr Cymru/Welsh Water have confirmed that there is capacity with the sewage network to accommodate the additional foul flows only and advise that the treatment works which serve Higher Kinnerton are located in Chester, which lies outside of the designated SAC. The Chester Waste Water Treatment Works discharges to the River Dee at a point below the freshwater part of river. It is therefore not considered that there are any pathways existing for potential contaminates and therefore the development is not likely to have a significant effect on the River Dee and Bala Lake SAC.

8.00 CONCLUSION

The proposals are considered to be acceptable in principle and would be acceptable at this location meeting the requirements of the applicable Local Development Plan policies. It is recommended that permission be granted, subject to the listed conditions.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

8.02 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.

- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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