

FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MS. M. LLOYD - JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A PUBLIC HOUSE, CREATION OF PARKING AND TURNING AREAS, CYCLE STORE, MEANS OF ACCESS, PROVISION OF PHOTOVOLTAIC CELLS AND LANDSCAPING ON LAND ADJACENT TO SINGING KETTLE SERVICES, ST. ASAPH ROAD, LLOC, HOLYWELL, FLINTSHIRE, CH8 8RF.**

1.00 APPLICATION NUMBER

1.01 050008

2.00 APPLICANT

2.01 MYLAKE LTD

3.00 SITE

3.01 LAND ADJACENT TO SINGING KETTLE SERVICES,
ST. ASAPH ROAD,
LLOC, HOLYWELL,
FLINTSHIRE, CH8 8RF.

4.00 APPLICATION VALID DATE

4.01 6TH AUGUST 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the refusal of planning permission for the proposed erection of a public house, creation of parking and turning areas, cycle store and means of access, the provision of 45m² of photovoltaic cells, together with and hard and soft landscaping on land adjacent to McDonalds

Restaurant, St. Asaph Road, Lloc by the Head of Planning under delegated powers. The appeal was held by way of an Informal Hearing and was DISMISSED.

6.00 REPORT

6.01 Introduction

The Inspector considered procedural matters relating to reasons for refusal in respect of the adequacy of information relating to impact upon the trunk roads and also the adequacy of information relating to the impact upon an adjacent high pressure gas pipeline. He noted that subsequent to the decision, the appellant had forwarded details in respect of the trunk road to Welsh Government Transport who had advised their concerns were addressed. In addition, he considered the issues relating to the pipeline could be addressed via a condition were he minded to allow the appeal.

6.02 Issues

The Inspector considered the main issue to be whether there were any other material considerations in favour of the proposed development which would outweigh the identified harm to local and national planning policy designed to promote sustainable development and protect the open countryside.

6.03 Policy

The Inspector noted the contention by the Appellant that there was no one policy within the Flintshire Unitary Development Plan (FUDP) which related to proposals for new public houses and therefore other material factors would have to be considered. However, the Inspector accepted the contention by the Council that whether the proposals are considered as a tourism/recreational use, or otherwise as commercial development encompassing variety of uses, the proposals would fail to satisfy the policies within the FUDP relating to either type of proposal.

6.04 He agreed that policies are not such that they should read in isolation. He noted that policies STR1, STR5, STR6, SR1 and GEN3 all relate to the proposals and/or the site and should be read in conjunction with one another. He noted that the policy framework requires that evidence is provided to demonstrate a sequential approach to the location of the proposal. He noted that the policies combined to require development to be sustainably located within existing settlements unless the specified exceptions criteria were met.

6.05 In considering those criteria, the Inspector noted one criterion was a demonstrable need for the proposal. The appellants had advanced a case based upon need at the hearing which was twofold in its basis. Firstly, it was argued that there was a need for the proposal based upon a lack of suitable rest areas along the A55 and the proposals complimented the existing offer at this junction. Secondly, the case

was argued that there was a need for such a proposal in a thriving location as an alternative to the generally declining fortunes of rural public houses.

6.06 In respect of both cases, the Inspector had regard to the nature and frequency of the existing provisions in the first instance, and concluded that the existing provision was no so deficient as to justify a case for the proposal at this location. In the second instance, the Inspector noted that no business case was advanced to support the claimed need or support the viability of such a proposal.

6.07 He concluded that the need argument advanced did not outweigh the policy objections to the proposals on the basis of location and therefore that the proposals were not compliant with the relevant planning policy context and turned his attentions consider whether other material considerations would affect his determination in such a way as to be at variance with the above stated policy guidance.

Material Considerations

6.08 Sustainability

The Inspector noted that a previous appeal decisions in respect of a similar proposal in 2009 had concluded that the site was remote to any existing centre and was poorly provided for in terms of public transport services. He equally noted the Appellants case in relation to this point, as part of the current appeal, that the majority of traffic to the site would be passing current traffic and that any additional trip generation could be offset by the provisions of a shuttle bus service for customers and staff alike.

6.09 Upon this point the Inspector conclude that notwithstanding the arguments made, the proposals would give rise to an increased level of local car borne travel. He noted that this was not consistent with the need to minimise car travel and therefore would not rate highly upon sustainability grounds. He also considered there to be a paucity of information to support the claim that the provision of a shuttle service could be controlled via condition.

6.10 He acknowledged that measures had been taken through the design of the scheme to address other aspects of sustainability but nonetheless, concluded that these factors did not outweigh his concerns in relation to the accessibility and location of the proposal.

6.11 Landscape Impact

In considering this matter, the Inspector had regard to the submitted landscape assessment and the findings of the previous Inspector who considered the 2009 appeal. He concluded that the site is only viewable in a fleeting, transient manner and primarily from the south. He considered that the context of the site and its adjacent forms of development were such that the site could not be considered to have a prominence as an important open and undeveloped piece of land.

He concluded that the proposals in respect of level setting of the proposals, together with the proposed landscaping were such that the proposal would not significantly detract from the character and appearance of the areas.

6.12 Other Matters

The Inspector considered representations from third parties made at the Hearing in respect of highway danger at the proposed point of access to the site and the adequacy of drainage provisions at the site but concluded that none of these matters outweighed his conclusions on the other points considered above.

7.00 CONCLUSION

7.01 The Inspector concluded that the other considerations on need and accessibility did not combine to outweigh the identified harm to local and national planning policies designed to promote sustainable development and protect against inappropriate development in the countryside. He concluded the conflict in relation to development strategy, the sequential approach, lack of information relating to sustainability, accessibility and need combine to dictate that the appeal should fail.

7.02 Consequently for the reasons given above and having considered all other matters raised, the Inspector concluded that the appeal should be DISMISSED.

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: glyn_d_jones@flintshire.gov.uk