

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

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

**SUBJECT:** **FULL APPLICATION – CONVERSION OF REDUNDANT OUT-BUILDING TO FORM A SINGLE DWELLING, ASSOCIATED WORKS AND ALTERATIONS TOGETHER WITH THE INSTALLATION OF A SEPTIC TANK AT KINNERTON LODGE, KINNERTON LANE, HIGHER KINNERTON**

**APPLICATION NUMBER:** **050308**

**APPLICANT:** **MRS C MONDO**

**SITE:** **KINNERTON LODGE, KINNERTON LANE, HIGHER KINNERTON**

**APPLICATION VALID DATE:** **22/11/2012**

**LOCAL MEMBERS:** **COUNCILLOR P. LIGHTFOOT**

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

**REASON FOR COMMITTEE:** **SECTION 106 REQUIRED TO RESCIND USE OF FISHERY WITHIN THE SITE**

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

**1.00 SUMMARY**

1.01 This is a full planning application for the conversion of a redundant outbuilding to a single dwelling, associated works and alterations together with the installation of a septic tank at Kinnerton Lodge, Kinnerton Lane, Higher Kinnerton. The building is a curtilage building to Grade II listed Kinnerton Hall and a Listed Building application has also been submitted, which is being considered in conjunction with the planning application. The reason for referral to Planning Committee is

the need for a Section 106 agreement relating to the access, and therefore the Listed Building application is being dealt with under delegated powers. Both applications are recommended for approval.

1.02 The building is worthy of retention and the proposed conversion is sympathetic to the existing building, nearby listed building and its setting. The conversion to a residential unit would enable this special building to be preserved for the future.

1.03 The Highway Authority have undertaken a traffic survey along Kinnerton Road and advise that the increase in traffic from a further dwelling using the existing access would have an adverse impact on Highway Safety. In order to address this issue and to retain the existing access, the applicant has agreed to rescind the use of the lake within the site as a fishery. As such a Section 106 agreement is required.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO THE COMPLETION OF A SECTION 106 OBLIGATION WHEREBY THE CERTIFICATE OF LAWFUL USE IS RELINQUISHED AND SUBJECT TO THE FOLLOWING:-**

- 2.01
1. Time commencement
  2. In accordance with plans
  3. Photographic record of the site
  4. Structural works – meeting prior to development with Conservation Officer
  5. Protection of birds during the nesting season
  6. Submission of a scheme of mitigation for nesting swallows
  7. Tree protection measures during construction and construction of hardsurfaces around trees to be in accordance with Tree Survey.
  8. No boundary treatment to North East of site.
  9. Windows, rooflights details and samples.
  10. Details of any gates to be submitted
  11. Retention of walls as existing.
  12. Photographs and details of works to Weathervanes
  13. Sections and treatment of archways to first floor
  14. Details and sample of materials to be used in ceilings
  15. Full details of insulation and flooring
  16. Full details of circular window including sections
  17. Window and door details
  18. Samples of: New roof tiles, ironmongery, mortar
  19. Details and sample of chimney pots and cowling.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor P Lightfoot

No response at time of writing report.

Higher Kinnerton Community Council

No objections to the proposal.

Head of Assets and Transportation

No objection subject to the applicant entering into a Section 106 legal agreement surrendering the commercial use of the lake.

Head of Public Protection

No adverse comments.

SP Manweb

It has been noted that we SP Manweb plc have high voltage and low voltage apparatus within the area of the proposed development, the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the Electrical apparatus.

Wales & West Utilities

No response at time of writing report.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

No representations at time of writing report.

**5.00 SITE HISTORY**

5.01 **051083**

Application for a Lawful Development Certificate for existing use of lake as coarse fishery. Granted 20/01/ 2014

**050759**

Listed Building Consent for conversion of redundant outbuilding to form a single dwelling, associated works and alterations and installation of septic tank. Recommended for approval subject to CADW clearance.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR8 - Built Environment

GEN1 - General Requirements for New Development

GEN3 (c) – Development in the Open Countryside

D2 - Design

L1 – Landscape Character

HSG7 – Change of Use to Residential Outside Settlement Boundaries

AC13 – Access and Traffic Impact

TWH1 - Development Affecting Trees and Woodlands  
WB1 - Species Protection  
HE2 - Development Affecting Listed Buildings and their Settings

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

The application seeks planning permission for the change of use from outbuilding to a dwelling. The site lies within the open countryside outside any settlement boundary as defined in the adopted Unitary Development Plan.

### **7.02 Site Description**

Kinnerton Lodge, a large detached country house with various outbuildings, is accessed via a private drive off Kinnerton Lane, with elegant white metal gates at the entrance. To the south west of the grounds lies the red brick Victorian building which is the subject of this application. A lake, which is used as a fishery, is located to the northern part of the site and sits within an area of mixed woodland.

7.03 The 'L' shaped Victorian building is set in a courtyard with red brick walls to the south and western boundaries, with a small building (proposed study) to the south west corner. The building is constructed of red brick with slate roof which has detailed finials and two distinct weathervanes. The original use of the building is unclear but at some time in the past it has been used for livestock, at the present time the building is unused and falling into a state of disrepair.

### **7.04 Principle of Development**

The proposed development has been considered under criterion a) of Policy HSG7 where an assessment is made as to whether the building is suitable for employment use and if so should be marketed for 1 year. In this instance it is considered that the building is not suitable for economic use and therefore the 1 year marketing exercise was not required.

7.05 The policies listed above generally require that the proposed development does not have a detrimental impact on the historic character of the listed building or its setting and is in keeping with the surrounding area.

7.06 Policy AC13 permits development where the approach roads are adequate for the traffic generated and does not compromise public safety or amenity. In addition it must provide a safe vehicular access to and from the main highway.

7.07 I consider that the amended proposal generally complies with the relevant criteria of these development plan policies.

7.08 There is no statutory requirement to have regard to the provisions of

the development plan when considering applications for listed building consent, and therefore the application for listed building consent has been assessed in line with Planning Policy Wales 2014 Ed6, Section 6.1 – Objectives and Para 6.5.8 & 6.5.9 – Listed Buildings and Welsh Office Circular 61/96 Alterations and Extensions to Listed Buildings Appendix D

7.09 **The Proposal**

The proposal seeks to undertake a conversion of the building to form a dwelling house.

7.10 The scheme as originally submitted had several issues in terms of access, loss of trees and inadequate detail.

7.11 During the application process there was a change of agent and numerous negotiations have been undertaken, with both the original and new agent. The details discussed included:

7.12 The detail of the circular window; retention of existing window frames and windows, the roof, weathervanes, finials, the internal archway at first floor, retention of trees and amendments to the residential curtilage.

7.13 The result of all the negotiations and amendments is a scheme which improves the condition of the existing building. The proposed development is sympathetic to the historical and special features of the existing building, the listed hall and the setting and enables the retention and preservation of this special building for the future.

7.14 **Site Access**

One of the main issues with the proposed conversion was that of the access from the site onto Kinnerton Lane. Having undertaken a traffic survey at the site the Highway Authority advised that an increase in traffic using the existing access was not acceptable in terms of highway safety.

7.15 In order to retain the existing access, the applicant put forward a proposal to rescind the use of the lake as a fishery at the site. However, at that time it came to light that the fishery did not benefit from any planning permission and therefore the use could not be rescinded. It appeared that the fishery had been in existence for a considerable length of time and in order to establish the use of the lake as a fishery the applicant was advised to submit a Certificate of Lawful Use application. The evidence submitted showed that the lake had been used as a fishery for over 10 years and was granted.

7.16 Before the Certificate of Lawful Use was granted and as a result of much discussion an amended scheme was submitted to provide a new access. On Highways advice the existing access was to be permanently closed and with the land to the gate being put to grass

verge. The issues with the new access were the impact on the woodland and the setting of the listed building.

7.17 Upon the granting of the Certificate of Lawful Use the original proposal to rescind this use was viable and the application was once more amended to retain the existing access, which is an important feature in the listed buildings setting.

7.18 Highways are satisfied that this decrease in use may be used to offset the traffic generated by the proposed conversion.

7.19 On the basis that a Section 106 Legal agreement will be used to secure the trade off between the fishery use and the proposed development Highways officers have no objection to the existing means of access being utilised to serve the conversion, as originally proposed.

7.20 The Highways officer advises that given the location of the site and access constraints, it would be beneficial for the Applicant to arrange for temporary signage to be provided, advising highway users of the likelihood of construction traffic entering and leaving the site, as such a note to the affect shall be included with any decision notice.

7.21 **Ecology**

A protected species survey has been submitted with the application and the Council's ecologist is satisfied with the survey. No bats were found at the site, but swallows use the building for nesting. In view of this conditions shall be attached to any planning permission to provide ensure mitigation for the nesting swallows is provided. A condition to ensure nesting birds are protected would also be imposed.

**8.00 CONCLUSION**

8.01 The amended scheme for the proposed development is sympathetic to the historical and special features of the existing building, the listed hall and the setting. The building is in a poor state of repair and the proposed conversion would ensure the retention and preservation of this special building for the future.

8.02 Ensuring the relinquishment of the existing fishery by legal agreement, the existing access can be retained thus preserving the setting of the listed building addressing the issue of Highway safety.

8.03 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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