

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED ALTERNATIVE SITE ACCESS OFF YOWLEY ROAD AND ALTERATIONS TO CAR PARKING ARRANGEMENT TO RESIDENTIAL DEVELOPMENT APPROVED UNDER PLANNING PERMISSION 050492 AT 15 – 23 YOWLEY ROAD, EWLOE.**

**APPLICATION NUMBER:** **053122**

**APPLICANT:** **PENNAF LTD**

**SITE:** **15 – 23 YOWLEY ROAD, EWLOE**

**APPLICATION VALID DATE:** **07.01.15**

**LOCAL MEMBERS:** **COUNCILLOR H BROWN**  
**COUNCILLOR G HARDCASTLE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO CONCERNS OVER ACCESS AND LOCAL RESIDENTS CONCERNS**

**SITE VISIT:** **YES**

This application was deferred from consideration at Planning and Development Control Committee on 22<sup>nd</sup> April in order for a site visit to be undertaken and for clarification on the width of the access road. An amended drawing has been submitted clarifying that the width of the access with the current kerbs realigned will be 3.9 metres in width.

**1.00 SUMMARY**

1.01 This is an application to seek the use of an alternative access to the consented scheme 050492 for 8 apartments and to use the former

site access off Yowley Road. The consented apartments under application 050492 were proposed to be accessed from the adjacent residential development constructed by Rowland Homes (previously known as land at Bon Accord) from Briarwood/Burghley Road. The roads within the Briarwood/ Burghley Road development have not yet been adopted but are in the process of being adopted by the Council. It has come to light during this process that there is a land ownership issue preventing adoption of the road to link into this development. While the access from Burghley Road was a better option in planning terms when looking at the development of the area as a whole, there are no highway objections to the use of the Yowley Road access and it has an historic use by vehicle traffic. It is therefore considered that permission should be granted.

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

- 2.01
1. Time commencement
  2. Plans
  3. Resurface the access road
  4. Access to be 3.9 metres shared surface

## **3.00 CONSULTATIONS**

### 3.01 Local Member

#### Councillor G Hardcastle

Requests committee determination due to local resident's concerns about increased use of the access. He is also disappointed that access to the site cannot be achieved through the Bon Accord site - Briarwood Road as previously intended due to landownership issues. However he understands that there is no highway objection in relation to the use of the Yowley Road access due to the previous use of the site and the previous planning permissions granted. He had particular concerns in relation to the use of the access by emergency vehicles due to the width of the access. If the land ownership issue is resolved will the Burghley Road access be used as per the original agreement.

#### Councillor H Brown

Requests committee determination due to local residents' concerns about increased use of the access.

#### Hawarden Community Council

The Council objects on the grounds that the access road is too narrow and its junction with Yowley Road is in a potentially hazardous position.

#### Head of Highways Development Control

3.9 m will allow for emergency vehicle access but will not allow for the simultaneous passage of two vehicles therefore it may result in a

vehicle having to wait for a short period of time on Yowley Road (an unclassified cul de sac with low traffic generation). The access route was formerly used to serve the Council owned garage site and the traffic generation associated with the previous use is felt to be more onerous. Furthermore, a previous planning consent has been issued for 10 units utilising the same point of access (044059). There are therefore no highway objections.

Head of Pollution Control

No adverse comments to make.

Fire and Rescue Service

The application should conform to Building Regulations Approved Document B Volume 1, Section B5 whereby the minimum distance between the kerbs should be 3.7metres as per Table 20, Page 111, Version 2007. We consider the rest of the layout to comply with our requirements and have no further comments.

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification

3 objections on the grounds of;

- This goes against condition 9 on planning permission 041888 and the previous refusal of the removal of this condition
- Access for this development was always intended to be from Burghley Road
- Yowley Road has become damaged through use by construction vehicles from the site
- Yowley Road access is not suitable for regular residential traffic as it is narrow and long and only suitable for one car
- High risk of conflict between cars wanting to pass
- Unsafe for pedestrians
- No lighting on this access
- Poor visibility for any vehicle entering Yowley Road
- Condition 6 of permission 044698 required the installation of bollards at the Yowley Road access if an alternative access point was made available
- Residents on Yowley Road have to park on the road as the garage site is now being built on this narrows the road
- Additional noise to residents on Yowley Road from increase in traffic and rumble strip noise
- Delivery vehicles and emergency services won't be able to access it

A petition with 56 signatures objecting on the grounds of

- Impact on highway safety
  - Long single narrow road

- Only wide enough for one car
- A fire engine would not fit down the road
- Concern about conflict with pedestrians
- Impact on residential amenity
  - Yowley Road is not very wide and this will increase traffic on Yowley Road and parking on the road.
- The alternative access has a wide entrance wide enough for two cars to pass.

## **5.00 SITE HISTORY**

5.01 050492 – Erection of 8 apartments. Approved 06.03.14.

044698 – Erection of 10 affordable apartments. Approved 09.04.12.

044059 - Erection of two new apartment blocks comprising 10 No. affordable dwellings. Withdrawn 05.02.08.

### **Planning history for adjacent site**

041888 – Outline - Demolition of dwelling and construction of residential development. Approved 11.03.08.

045353 - Removal of condition no. 9 attached to planning permission ref. 041888 requiring provision of estate road to adjacent land. Refused 28.11.08.

047129 - Application for Reserved Matters Approval for 47 dwellings (detached, semi-detached, terraced houses and apartments), details of layout, scale, appearance and access submitted in accordance with condition no.1 of outline planning permission 041888 for residential development. Approved 17.06.10.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR2 – Transport and Communications

STR4 – Housing

GEN1 – General requirements for Development

GEN2 – Development Inside Settlement boundaries

HSG3 – Housing on unallocated sites within settlement boundaries

D1 – Design quality, location and layout

D2 – Design

D3 – Landscaping

AC2 – Pedestrian Provision and Public Rights of Way

AC3 – Cycling Provision

AC13 – Access and Traffic Impact

## AC18 – Parking provision and new Development

The development complies with the above policies.

### **7.00 PLANNING APPRAISAL**

#### 7.01 Introduction

This is an application to seek the use of an alternative access to the consented scheme 050492 for 8 apartments and to use the former site access off Yowley Road. The new access requires the reconfiguration of the parking layout but the number of spaces remains the same as previously approved.

#### 7.02 Site Description

The site is a former garage site for properties on Yowley Road and Crossways. Access to the site was from Yowley Road with some properties on Crossways retaining rear access to their properties via the site access. The site is bounded to the south and east by the rear gardens of the existing residential properties on Yowley Road and Crossways and west of the site is the new housing development known as Briarwood Road.

7.03 The consented apartments under permission 050492 are now under construction and nearing completion.

#### 7.04 Proposed development

The consented apartments under application 050492 were proposed to be accessed from the adjacent residential development constructed by Rowland Homes (previously known as land at Bon Accord) from Briarwood/Burghley Road. The roads within the Briarwood/ Burghley Road development have not yet been adopted but are in the process of being adopted by the Council. It has come to light during this process that there is a land ownership issue preventing adoption of the road to link into this development. This is explained below. The Housing Association therefore now wish to use the previous access to the site off Yowley Road. The new access requires the reconfiguration of the parking layout but the number of spaces remains at 12, as previously approved.

#### 7.05 Planning history

During the consideration of 041888 the Planning and Development Control Committee added a condition requiring as part of the submission of the reserved matters “the provision of an estate road to adoptable standard to be constructed to the precise site boundary with the adjacent open land to the east which forms part of the disused garage court.”

7.06 An application was made 045353 for the removal of condition no. 9 attached to planning permission ref. 041888 requiring the provision of the estate road to the adjacent land. No objections were raised by

highways to the removal of the condition, however this was refused on the grounds that this would prejudice the potential for the efficient and sustainable redevelopment of the adjacent site. The removal of the condition would mean the future development of the existing site would not comply with development plan policies with regard to providing an appropriate, safe and convenient access for both vehicles, cyclists and pedestrians. It was felt at that time as no scheme had been drawn up for the Bon Accord site connectivity of the two sites would create the best overall layout in planning terms.

- 7.07 The subsequent reserved matters application 047129 for 47 dwellings showed an access road in accordance with that condition linking the Bon Accord site to the former garage site off Yowley Road. The access road was constructed in accordance with the approved details to the boundary of the site, however it has come to light that there is a ransom strip of 30cm between the two sites preventing vehicle connectivity. A 30cm strip was retained by the previous owners as part of the sale of the land to Rowland Homes around the entire site boundary of the Bon Accord site to all its boundaries apart from the residential frontage to Holywell Road. The adopted highway of Burghley Road therefore will exclude a 30cm strip between the two sites meaning access cannot be achieved.
- 7.08 The Yowley Road site access is approximately 3.9 metres in width with a narrow footway on one side. This has had historic vehicular use as a garage court, although this had reduced in recent years properties off Crossways still have rear access using this access to the rear of their properties. The access has also been used for construction vehicles associated with the apartment scheme. There is therefore a historic use of the access.
- 7.09 There is an extant permission (044698) for 10 apartments using this access which had no highways objection. A condition was imposed on this stating that if another access did become available from the adjacent site that access to Yowley Road should be bollarded but this was not on highway safety grounds. This was to encourage connectivity between the two sites as it would provide in planning terms a better alternative in terms of an access with footways on both sides.
- 7.10 The access way will be resurfaced and the footway and kerb realigned to widen the access to 3.9 metres creating a shared surface. Manual for Streets advocates the use of shared surfaces and the Councils own residential street design guide allows their usage. The emergency services are satisfied that 3.9 metres provides access to their vehicles. Given the previous use of the site and consent 044698 there is also already a past and consented highway use of the access. There are therefore no technical grounds for refusal on the basis of concerns over highway safety.

## **8.00 CONCLUSION**

- 8.01 While the access from Burghley Road is a better option in planning terms, there are no highway objections to the use of the Yowley Road access and it has an historic vehicular use. It is therefore considered that permission be granted.
- 8.02 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.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Emma Hancock  
**Telephone:** (01352) 703254  
**Email:** [emma.hancock@flintshire.gov.uk](mailto:emma.hancock@flintshire.gov.uk)