

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **14<sup>TH</sup> OCTOBER 2015**

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

**SUBJECT:** **FULL APPLICATION – CONVERSION OF THE FORMER CHURCH TO CREATE 3 NO. DWELLINGS, DEMOLITION OF THE CHURCH HALL AND CONSTRUCTION OF 3 NO. DWELLINGS AT ST. DAVID’S CURCH, CHESTER ROAD, OAKENHOLT.**

**APPLICATION NUMBER:** **053468**

**APPLICANT:** **MR. N. CLARKSON**

**SITE:** **ST. DAVID’S CURCH,  
CHESTER ROAD,  
OAKENHOLT,  
FLINT**

**APPLICATION VALID DATE:** **4<sup>TH</sup> APRIL 2015**

**LOCAL MEMBERS:** **COUNCILLOR MS. R. JOHNSON**

**TOWN/COMMUNITY COUNCIL:** **FLINT TOWN COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUESTS COMMITTEE DETERMINATION IN VIEW OF ACCESS CONCERNS**

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

**1.00 SUMMARY**

1.01 This is a full application for the conversion of the existing church to form 3 dwellings, demolition of the existing church hall and redevelopment of that part of the site to provide 3No. 2 storey dwellings, together with the amendment of vehicular access and parking arrangements.

**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 to provide the following:-

- a. Ensure the payment of a contribution of £5499 to the Council in lieu of on site play and recreation provision. Such sum to be paid to the Council prior to the occupation of any dwelling hereby approved and to be used to upgrade existing facilities within the community (to be specified).

2.02 Conditions

1. Time limit.
2. Archaeological Watching brief.
3. Boundary treatments to be submitted and agreed.
4. Materials, colours and finishes to be agreed.
5. Schedule of works to existing walls to be agreed. Implementation prior to occupation.
6. Removal of Permitted Development Rights.
7. Exact window and door repair/replacement details to be submitted and agreed prior to installation.
8. Notwithstanding submitted details, no planting within area hatched on plan.
9. Car parking facilities to be retained in perpetuity.
10. Details of all foul, surface and land drainage to be submitted and agreed prior to commencement.
11. Development to be undertaken in strict accord with recommendations of ecology and archaeology reports.
12. No external lighting without prior approval of Local Planning Authority.
13. Scheme for timing of demolition and conversion work to the church to be submitted and agreed with Local Planning Authority.
14. Scheme for the retention and protection of internal floor tiled dedication to be submitted and agreed.

2.03 If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms. R. Johnson

Considers the proposals will result in adverse impacts upon highway safety at the junction of Croes Atti Lane and the A548 as a

consequence of increased traffic.

Flint Town Council

No response at time of writing.

Highways DC

No adverse comments. Improvements to visibility sought where this does not affect historic fabric. Requests conditions in respect of restrictions to planting in the visibility splay and notes to ensure Footpath 48 is unaffected.

Pollution Control

No adverse comments

Welsh Water/Dwr Cymru

No adverse comments. Requests the imposition of conditions requiring drainage proposals to be submitted and agreed.

Natural Resources Wales

No response at time of writing.

CPAT

Requests the imposition of an archaeological watching brief condition.

Public Open Spaces Manager

Considers that on site provision of play and recreation facilities is not required. Seeks a commuted sum of £5499 in lieu of the same. Await details of exact play area location.

#### **4.00 PUBLICITY**

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters.

4.02 At the time of writing, 1No. letter of objection has been received raising concerns in respect of the impact of additional traffic on both highway and pedestrian safety

#### **5.00 SITE HISTORY**

5.01 No previous site history.

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy STR1 – New Development  
Policy STR7 – Natural Environment  
Policy STR8 – Built Environment  
Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development Inside Settlement boundaries

Policy D1 – Design Quality, Location and Layout  
Policy D2 – Design  
Policy WB1 – Species Protection  
Policy HE4 – Buildings of Local Interest  
Policy HE6 -- Scheduled Ancient Monuments  
Policy HE8 -- Recording of Historic Features  
Policy AC13 – Access and Traffic Impact  
Policy AC18 -- Parking provision & new development  
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries  
Policy CF1 – Retention of Existing Facilities  
Policy EWP17 – Flood Risk

Planning Policy Wales  
TAN12 - Design  
TAN15 - Flood Risk

The proposal is considered to be in accordance with the above national and local planning policies and guidance.

## **7.00 PLANNING APPRAISAL**

### **7.01 The Site and Surroundings**

This 0.17 hectare site is presently occupied by St. David's Church and its associated church hall and car park. It occupies a prominent position upon the main A548 on the approaches to Flint from the east. The church is set in its own grounds but has no associated burial ground. The site is flat across each axis and is reflective of the adjacent topography.

7.02 The site is bounded to the North by the A548, with residential dwellings situated beyond that; to the south by existing 2 storey residential dwellings and their associated curtilage areas on Croes Atti Lane; to the east Croes Atti lane itself, with an area of open space associated with the adjacent bowling green beyond; and to the west by other 2 storey dwellings fronting both the A548 and Mill Croft.

### **7.03 The Proposed Development**

It is proposed to convert the existing church into 2No. 2 bed dwellings and 1No. 3 bed dwelling. In addition, following demolition of the adjacent modern church hall, it is proposed to erect 3No. 2 storey terraced dwellings. It is proposed to insert a first floor to provide additional accommodation. Roof lights would be inserted to provide light to the first floor. The existing wall along the frontage of the site will be rebuilt and retained.

7.04 The development would be served by a single point of access located centrally along the frontage of the site with Croes Atti Lane. The existing access to the car park (located further along Croes Atti Lane) is to be closed up. The existing wall along the frontage of the site will

be rebuilt and retained. 12No. car parking spaces would be provided within the site in front of the buildings and a further 3No. spaces are available within proposed garaging to the new dwellings.

7.05 It is proposed to demolish the church hall and erect 3No. 3 bed dwellings. Private amenity space to the new build and converted units will be provided on the west side of the site.

7.06 Main Issues

The main issues to consider are:

- the principle of residential development;
- the impact of the conversion on the character of the building;
- archaeological implications;
- design and amenity considerations;
- Ecological impacts; and
- highways impacts

7.07 Principle of residential development

The site is located within the settlement boundary of Flint which is defined as a Category A settlement within the adopted Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites but identifies that in the case of unallocated 'windfall sites' there are limitation imposed via policy HSG3.

7.08 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development will be permitted in Category A settlements where it does not conflict with the planned housing provision for the County, as set out in the UDP, and does not conflict with Policy GEN1.

7.09 The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing, in that housing development should be primarily directed towards sustainable settlements such a Category A settlements. This is because there are a greater range of facilities, services and infrastructure within such settlements in the County.

7.10 Accordingly, the principle of residential development through the proposed conversion and new build is acceptable.

7.11 Impact of the character of the building

St. David's Church is a good example of a late Victorian Church with attached church hall and includes ornate polychrome brick detailing to windows, doors and walls which are a feature that carries through to the attached church hall. The original church hall is an integral part of and is contemporary with, the church itself and it is important that this is retained. The building adds character to the street scene and it is therefore important, for the above listed reasons, that the building is

retained and these features protected.

- 7.12 The conversion of the building makes some alterations to the external fabric of the building. The main changes are the insertion of roof lights on a concealed roof slope to the church hall and to utilise existing roof vent openings in the church to insert a glazing system to allow light to penetrate to the newly inserted first floor. In addition, the insertion of a pair of additional windows in the link between the church and the church hall is proposed. Two of the existing church windows on the north western elevation are proposed to be truncated to allow door openings into the new adjacent residential curtilages. A new door is to be formed to allow access to Unit 1. This had been discussed at length and it was felt that the opening should be clearly identifiable as being new and therefore it is distinctively different to reflect this fact.
- 7.13 There are no other proposed alterations to any of the window or door features of the building. The external fabric of the building is sound and it is proposed to utilise the existing windows, with a scheme of repair or replacement to be submitted and approved via condition and where appropriate.
- 7.14 The church has many interesting internal features, especially decorative floor tiling. Of particular note is a decorative tile dedication dating back to the founding of the church which is set into the floor of the steps to the former altar of the church. This is proposed to be retained within the scheme and protected. The exact methods to be used will be the subject of a condition.
- 7.15 The conversion creates 3 dwellings and private amenity spaces to each are to be formed on the north western side of the church. This ensures that the private amenity spaces do not detract from the landmark role of the building with the street scene. Whilst these areas do not provide the depth of garden which would be sought in connection with new build dwellings, they do provide the area required and, taking into account the constraints of working with such a building, are considered acceptable.
- 7.16 Accordingly, it is not considered that the proposed alterations significantly affect the character of the building.
- 7.17 Archaeological considerations  
The site occupies a position immediately to the north of a scheduled ancient monument known as Pentre Bride Roman Site which contains extensive evidence of a 1<sup>st</sup> – 3<sup>rd</sup> century AD Roman industrial settlement. It is considered that the evidence of this settlement extends into the development site and there is strong possibility of good sub surface preservation of Roman remains. Accordingly, it was considered that there would be a need for the site to be the subject of an archaeological assessment to support the application to identify where there may be a potential impact upon any surviving remains.

- 7.18 The assessment has been undertaken and a report (dated July 2015) into the same produced. The archaeological evaluation located two undated features including the remains of a metalled road surface and a wide but shallow ditch. The suspicion is that these features are likely to be Roman in date, but just did not produce any definitive dating evidence from the small sample area investigated. These features would form part of the wider Roman settlement at Pentre Ffwrndan and Croes Atti which extends either side of the modern main road.
- 7.19 There is still a potential for Roman period archaeology here, including additional evidence of the two features described above, but it is likely to be well truncated and of moderate value if some dating material can be recovered.
- 7.20 It is therefore recommend that a condition requiring an archaeological watching brief is imposed upon any planning permission. I propose to condition accordingly.
- 7.21 Design and impacts upon amenity  
The proposals provide for the erection of 3No. dwellings on the site of the modern church hall. The design of these dwellings has been the subject of lengthy discussion and negotiation and it was concluded that rather than attempt to create a pastiche of the church and its features within these dwellings, the dwellings should be visually distinct and separate from the older more ornate church and hall.
- 7.22 Accordingly the dwellings are modern in appearance, scale and form. The only way in which they pay any respect to the adjacent building is that roof ridges reflect the church hall and therefore gables are presented to the street scene.
- 7.23 As with the converted units, private garden space is provided to the rear. Both adequate depth and area are provided and I satisfied that there will be no adverse impacts upon either existing or future amenities as a consequence. The dwellings provide the required separation distances to existing properties to the rear.
- 7.24 Ecological Impacts  
There are no national or international wildlife sites within or adjacent to the site. The site has been the subject of an ecological assessment and species surveys. These have established that the church is acting as a roost to a small number of Common and Soprano Pipistrelle Bats. The surveys have identified that there is no evidence of the presence of other protected species upon the site itself.
- 7.25 European Protected Species (EPS) and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans

or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests. Disturbance to an EPS whilst occupying a place of shelter and/or obstruction of access to a place of shelter are also prohibited under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

- 7.26 Regulation 9 (1) and 9 (5) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC). Consequently the Local Planning Authority decision making must be undertaken in accordance with the compliance of the Habitats Directive.
- 7.27 The local authority must be satisfied that a proposal satisfies the appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified in TAN 5 and Regulation 53 of the Conservation of Habitats and Species Regulations 2010.
- 7.28 In consideration of these requirements I consider that the proposals seek to establish the acceptability of the use of the site for the purposes of residential accommodation utilising the fabric of a building deemed of local historic or architectural merit. Planning policies in respect of such buildings direct that the preference is for the re-use and retention of such buildings
- 7.29 The site has been assessed to establish the ecological component and this has revealed that the site is acting as a roost for EPS bats. However, the buildings are currently vacant and deteriorating in condition. Unless the site is brought into beneficial use, the condition will deteriorate to such an extent that the buildings will no longer be suitable to meet the needs of the EPS.
- 7.30 It is proposed to secure the continued favourable conservation status of the species in question via the installation of bat boxes within the fabric of the converted church to allow the continued use of the building as a roost. The applicant has provide a mitigation report which outlines the detail of the mitigation, together with a scheme of Reasonable Avoidance Measures which are considered to be acceptable. However, the works in connection with the conversion of the building where it relates to the EPS will be required to be undertaken under license.
- 7.31 In addition, it is suggested that all external lighting needs to be carefully controlled to ensure that conditions are maintained to maintain favourable conditions for bats. Furthermore, demolition and conversion works should be undertaken in the period October – March to avoid disturbance of the roost. Both of these matters can be conditioned.



7.32 The application is accompanied by survey data to indicate that the proposals would not adversely affect European Protected Species (EPS). In considering this data, together with the proposed mitigation measures and schemes of reasonable avoidance measures and future management and monitoring of the mitigation areas, the Local Planning Authority are satisfied that there are no adverse effects upon the EPS. It is considered that this proposal will ensure that the favourable conservation status of the species and habitat is secured and protected.

7.33 Highway Impacts

Concerns have been raised in response to consultation that the proposals will give rise to unacceptable highways impacts due to the nature of and visibility at the junction of Croes Atti Lane with the A548. The concern is that increased use of this access as a consequence of the proposals will increase the risk to highway safety for vehicular users and also increase the risk to pedestrian safety.

7.34 The proposals have been considered by Highways DC in the usual manner and I am advised that there is no highway objection to the proposals. The position of the existing church boundary wall adjacent to the access point has been considered and I am advised that its position does not impede visibility. Consideration of whether the wall and pillar heights ought to be reduced has been undertaken. This consideration recognises that the wall varies in height between 0.9 m and 1.3 metres in height and that a scheme of repair is proposed. I am satisfied that the repair scheme could include the reduction of the height of the wall to a consistent height of 1 metre and propose to condition accordingly.

7.35 However, the gate pillars are an historic feature of the building which ought to be retained and not amended under the above scheme. Highways DC accept this position and as they do not impede visibility detrimentally, a condition to control landscape planting within the frontage area is proposed.

7.36 Other matters

Consultation with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play and recreation, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.

7.37 The consultation has established that the sum requested should be used in connection with a project in the locality. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

7.38 Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 for each of the new build dwelling and £733 for each of the dwellings formed by conversion, reflecting that the conversion safeguards a BLI, is sought via a S.106 agreement to satisfy this requirement. This equates to £5499.

## **8.00 CONCLUSION**

8.01 The proposed scheme is a sympathetic conversion which would retain a building of local interest. It is considered that the proposed conversion provides adequate access and parking arrangements for the number of dwellings arising from both the conversion and new build elements of the proposals in this location. Accordingly, I consider that the proposals would be acceptable taking all matters into account.

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

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