

FLINTSHIRE COUNTY COUNCIL

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

DATE: **18TH JANUARY 2017**

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

SUBJECT: **FULL APPLICATION - DEMOLITION OF EXISTING DWELLING AND PROVISION OF ACCESS JUNCTION AND ACCESS ROAD AT 81 DRURY LANE, BUCKLEY**

APPLICATION NUMBER: **056023**

APPLICANT: **MULLER PROPERTY GROUP**

SITE: **81 DRURY LANE, BUCKLEY**

APPLICATION VALID DATE: **3RD OCTOBER 2016**

LOCAL MEMBERS: **COUNCILLOR D HUTCHINSON**
COUNCILLOR M J PEERS

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST AS THE APPLICATION IS CONSIDERED TO BE SPECULATIVE AND RAISES A NUMBER OF COMPLEX PLANNING ISSUES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the demolition of an existing property at 81 Drury Lane, Buckley and following its demolition, the formation of an access junction/road. The application includes a detailed plan showing 60 dwellings on land to the rear of the application site which is described as indicative.
- 1.02 The proposal is unusual as it proposes an access alone without any further development. However, as the proposal includes a plan with a detailed housing layout, members are reasonably entitled to consider that the proposal before them is to provide access to a residential

development as shown or similar to that drafted.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 1 The proposed demolition of an existing dwelling and formation of an access in isolation to it serving any associated development, would have a detrimental impact on the character of the street scene at this location. The proposal is therefore considered to be contrary to criteria b & g of Policy STR1, criterion b of Policy STR2, criteria a, e, f & j of Policy GEN1, criteria a, c, and d of Policy D1, criterion b of Policy D2 of the Flintshire Unitary Development Plan
- 2 The proposed geometry of the access would not be acceptable to serve any further development on the scale envisaged given the impact on associated sightlines is not compliant with adoption requirements in respect of drainage and street lighting and would not be adequate to facilitate the accommodation of construction vehicles. The proposal is therefore contrary to criterion c of Policy STR1, criteria d, e and f of Policy GEN1, and criterion b of Policy AC13 of the Flintshire Unitary Development Plan
- 3 The piecemeal consideration of the proposed formation of an access in isolation of the future proposed residential scheme does not accord with the principles of Planning Policy Wales. The proposal would result in the loss of a dwelling from the council's housing stock and does not allow the Local Planning Authority to consider whether the proposed housing on the site to the rear of the access would be sustainable development. The application does not accord with the overall sustainability principles, outcomes and objectives in Chapter 4 of Planning Policy Wales and the guidance set out in Technical Advice Note1 and Planning Policy Wales in relation to the need to consider taking a long term perspective to safeguard the interests of future generations, consider whether the proposed infrastructure would form the physical basis for a sustainable community and whether the proposal would lead to environmentally sound and socially inclusive development.

3.00 CONSULTATIONS

3.01 Local Member Councillor D Hutchinson

Request site visit and planning committee determination. Preliminary views are that:-

- The application as submitted should not be considered in isolation to the residential development advanced as the two issues are inextricably linked

- Limited evidence has been submitted to support the need for further residential development having regard to concerns that there is a lack of a 5year housing land supply
- The proposed demolition of the existing dwelling would be detrimental to the visual appearance of the street scene at this location
- Development would have a detrimental impact on pedestrian / highway safety
- Inadequate infrastructure to serve any further residential development
- Application is premature in advance of any site specific details relating to the acceptability of a development for 60 No dwellings

Councillor M J Peers

Request site visit and planning committee determination. Preliminary views are that:-

- The application does not accord with planning policy and is premature having regard to Planning Policy Wales and Technical Advice Note 1 regarding Housing Land Availability.
- Development would have a detrimental impact on highway/ pedestrian safety.
- The proposal would result in the loss of a dwelling which contributes to the character of the locality.
- The application is speculative and there is no evidence of housing need in the locality.
- Inadequacies of infrastructure to facilitate further residential development in Drury.
- Application is premature in advance of any site specific details relating to the acceptability of a development for 60 No dwellings

Buckley Town Council

The Town Council in making its observations, is aware that the planning application is only for the demolition of an existing dwelling and the provision of access junction and access road. However the literature provided with the planning application makes it clear that the application relates to the opening up of a piece of land for the development of 60 no. houses. The Town Council therefore recommends refusal of this application on the following grounds:

- The application, if approved, will see a significant over development of the area and will not be in keeping with the current street scene
- The road servicing the development is already very heavily used. It is acknowledged that a Traffic Survey is undertaken
- The Town Council endorses comments made in respect of highway objections, noise/ disturbance

- The Town Council endorses comments made by the Local Member regarding concerns over the principle/details of the proposed application

Head of Assets and Transportation

The geometry of the proposed access radii is not adequate to serve a future development of any significant scale and is not adequate to accommodate construction vehicles given the impact on the access location and sightlines. As development served by means of the proposal is not the subject of this application, there is currently no purpose to the road. The application forms indicate that the road will be public but is not compliant with adoption requirements in respect of drainage and street lighting. This will therefore become an unnecessary maintenance burden for the Authority.

Head of Pollution Control

No adverse comments.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

190 letters of objection with accompanying petition signed by 332 signatories, the main points of which can be summarised as follows:-

- Demolition of the existing property would have a detrimental impact on the character of the site/surroundings.
- Increased traffic generation would be detrimental to amenity/highway safety.
- No requirement for further speculative residential development on the scale envisaged in Drury.
- Impact on local infrastructure and services.

2 letters received from Mr. M. Tami, MP and Carl Sargeant AM which reiterate the above concerns.

2 letters of support which consider that any impact on traffic movements generated by the development would fluctuate from peak times.

5.00 SITE HISTORY

5.01 None Relevant

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR2 – Transport and Communications

Policy STR8 – Built Environment

Policy GEN1 – General Requirements for Development

Policy D1 – Design Quality, Location and Layout
Policy AC13 – Access and Traffic Impact

Additional Guidance

Planning Policy Wales (PPW)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015).

Technical Advice Note 13 – Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the demolition of an existing property 81 Drury Lane, Buckley, and formation of an access junction / road. The application site (edged red) relates to the dwelling and curtilage area of 81 Drury Lane, Buckley only. However, the applicant has submitted an indicative plan no.1643-103 which shows the layout of 60 houses, on land to the rear indicating this is a master plan which shows the context of the proposal.

7.02 Furthermore, paragraph 2.5 of the planning statement states that “access road is to serve a proposed future residential development on land to the rear of Drury Lane”. It is therefore appropriate that the application should be determined with consideration of its impact in its own right as well as considering its suitability to serve 60 dwellings.

7.03 Main Planning Considerations

It is considered that the main planning considerations to be taken into account in relation to this application are:-

- a. Impact of loss of existing dwelling on the character of the street scene.
- b. Adequacy of access from a technical perspective.
- c. Acceptability of an access proposal in advance of an associated proposal for residential development and, whether this meets the provisions within Planning Policy Wales and Technical Advice Note 1.

7.04 In commenting in detail in response to the main planning considerations outlined above, I wish to advise as follows:-

7.05 Impact of Loss of Dwelling

As previously indicated the proposed development would involve the demolition of an existing dwelling at 81 Drury Lane, to facilitate the formation of the new vehicular access.

7.06 The property is physically attached to an adjacent dwelling (No. 79 Drury Lane) and although it is not listed or a Building of Local Interest (BLI) it contributes to the character/appearance of the street scene at this location. As the dwelling is linked to the existing property, its

demolition for the sole purpose of forming a new access would result in an incongruous appearance on the character of the locality.

7.07 This would be directly in conflict with Planning Policy Wales (Nov 2016) paragraph 9.3.4 states that “local planning authorities applications for housing development should not damage an areas character or amenity “.

7.08 Adequacy of Access

Consultation on the application has been undertaken with the Highway Development Control Manager. The application as submitted proposes the demolition of an existing dwelling and formation of a new access. The application is supplemented by a Planning Statement and Transport Assessment (TA), which makes specific reference to the access being suitable to accommodate the anticipated level and nature of traffic associated with a residential development of up to 60 No. dwellings.

7.09 Although the application does not include the 60 houses to the rear of the site, the transport statement submitted with the application clearly assesses the access in the context of accommodating 60 dwellings on land to its rear. The Highway Development Control Manager has therefore reasonably responded to the context of the transport assessment and carried out a technical assessment, of the acceptability of proposed access being able to serve the density of development anticipated.

7.10 It is concluded that the access radii required to serve any significant development at the location, would impact on the access location as shown, and associated sightlines to the detriment of highway safety. In addition the geometry of the road is not adequate to accommodate construction vehicles that are likely to use the road as part of any further development, and as there is no formal application for development to which it is intended to serve, there is currently no purpose to the road.

7.11 Planning Policy Wales & Technical Advice Note 1

For Members information paragraphs 5.4 & 5.5 of the applicant’s supporting planning statement reference the current housing position in Flintshire which it is acknowledged is below the 5 year housing land supply. The applicant’s therefore consider that there is a presumption in favour of sustainable development at this location and affords greater weight to planning permissions being granted. However, the application as presented represents a loss of an existing dwelling from the housing stock. If certain appeal decisions have been allowed on the basis that a single new dwelling can add to a housing land supply, then applying the same logic, the proposed demolition represents a loss of a dwelling and a reduction in the housing land supply

7.12 In commenting on this aspect of the development I wish to advise

that:-

- TAN 1 does not support all housing proposals where there is evidence of a less than a 5 year housing supply.
- A proposal has to be compliant with national and local policies and guidance any other material considerations.
- In the absence of firm proposals for residential development, the weight to be attached to increasing housing land supply does not apply to this application.

7.13 It is my view that this application is premature having regard to the policy framework established by Planning Policy Wales and Technical Advice Note 1 as there is no substantial evidence to confirm that the proposal is intended to address any immediate shortfall in housing land supply.

8.00 CONCLUSION

8.01 In conclusion, it is my view that the proposed demolition of the existing property to facilitate the formation of a vehicular access would be unacceptable at this location as it would result in a dwelling being demolished which would have an incongruous appearance on the character of the locality. In addition the geometry of the proposed access to serve up to 60 No dwellings, would be detrimental to highway safety. Specific reference is made in the supporting planning statement to the fact that as Flintshire cannot provide a 5 year housing land supply, the need to increase housing land supply should be given considerable weight. It is my view however that this application is premature in relation to both Planning Policy Wales and Technical Advice Note 1 as there is no substantial evidence to confirm that the access will lead to the bringing forward of development to meet the aims of this policy approach.

8.02 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.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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