

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**
DATE: **23rd MAY 2012**
REPORT BY: **HEAD OF PLANNING**
SUBJECT: **FULL APPLICATION - CONSTRUCTION OF A VEHICULAR ACCESS ONTO BRYN ROAD, REMOVAL OF PART OF THE HEDGEROW AND ERECTION OF DOUBLE WOODEN GATES AT 9 HILL VIEW, BRYN-Y-BAAL, MOLD**
APPLICATION NUMBER: **049371**
APPLICANT: **MR YORK**
SITE: **9 HILL VIEW, BRYN Y BAAL, CH7 6SL**
APPLICATION VALID DATE: **30TH JANUARY 2012**
LOCAL MEMBERS: **COUNCILLOR QRH DODD**
COUNCILLOR HILLARY MCGUILL
TOWN/COMMUNITY COUNCIL: **ARGOED COMMUNITY COUNCIL**
REASON FOR COMMITTEE: **COUNCILLOR HILARY MCGILL REQUESTED COMMITTEE DUE TO THE IMPACT ON THE TURNING FACILITY AT THE END OF BRYN ROAD**
SITE VISIT: **NO**

1.00 SUMMARY

1.01 The application which is submitted by Mr. York is a full application for the creation of an access, new dropped kerb and gates onto Bryn Road, from 9 Hill View, Bryn Y Baal

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

2.01 Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Details of the engineering works, levels and surface treatments of the access road to be submitted and approved before commencement
4. The access shall not be used for parking to retain the open aspect of the site

3.00 CONSULTATIONS

3.01 Local Member:

Councillor Hilary McGuill

Requested application to be referred to Planning Committee because of the effect on the hammerhead.

Councillor Q R H Dodd

No objections

Argoed Community Council

Raised objections due to application being dangerously close to a school and restricts the turning circle for vehicles

Head of Highways and Transportation

Highways – No Objection

Rights of Way – No objection but asked for the applicant to be informed of the legal requirements for altering the surface of the Right of Way

Head of Public Protection

No adverse comments

Ramblers Association

No Response at the time of writing

Head of Planning

Planning Policy – No Objection

4.00 PUBLICITY

4.01 4 no. letters from the residents of Bryn Road, Bryn Y Baal objecting to the proposal have been received:

- The new access will encroach on a designated turning area.
- The new access will add to the congestion and hazards for pedestrians using the school entrance
- The access will intrude on green open space creating a precedent for number 10 Hill View
- The environmental impact of removing the hedgerow and green space
- Loss of the hammerhead and turning point would cause issues at peak times
- The access being used for a non residential use

5.00 SITE HISTORY

5.01 Relevant Planning History

There is no relevant planning history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN 1 - General Requirements for Development

GEN 2 - Development inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

L3 - Green Spaces

7.00 PLANNING APPRAISAL

7.01 This planning application is seeking permission for the construction of a new access onto the existing service road which runs parallel to Bryn Road and the erection of a 1.5 metre high gate, within the existing plot boundary. The intervening space is a grassed area over which it is intended to construct a driveway. This land is owned by Flintshire County Council and is designated as a green space in the UDP. It is also crossed by a public right of way which runs along the existing hedge line which forms the rear boundary to No. 9, Hill View.

7.02 Site Description

The site lies within the residential properties in Hill View and Bryn Road within the settlement boundary of Mynydd Isa. The property is a two storey detached dwelling with an existing vehicular access serving the property off Hill View and there is currently a pedestrian access from the rear of the property onto the grassed area.

7.03 Traffic Issues

The access is to be provided with dropped kerbs in accordance with the Council's standards and concerns in relation to the traffic implications have been considered by the Head of Assets and Transportation who has no objection to the proposal based on the submitted information. (Standard supplementary note should be issued if minded to approve).

7.04 Amenity issues

Concerns have been expressed that this application would set an unwanted precedent in relation to future applications for the creation of access from Hill View onto Bryn Road. However, the circumstances here are that no other properties on Hill View (apart possibly from No. 10) would be able to access this cul de sac and it should be noted that it already serves existing residential properties off its southern side. Concerns in relation to the possible commercial nature of the access have been raised but the application submitted is a householder application for access to a dwelling and should be considered as such. Any future commercial uses of the access or property would require consent.

7.05 Concerns have been raised about the loss of the grassed area (green space) and although this area is allocated as green space in the Unitary Development Plan Policy L3 (127), the construction of an access across it will not detract from its open nature and its amenity value will not be affected.

7.06 To ensure the protection of Right of Way 120 a condition will request that details of the engineering works, levels and surface treatments of the access road to be submitted and approved before

commencement.

8.00 CONCLUSION

8.01 It is considered that the proposal for the creation of an access and erection of a 1.5 meter high gate is acceptable at this location having regard for the existing character of the area. Having taken all the relevant policies into consideration it is recommended that planning permission be granted.

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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