

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING & DEVELOPMENT CONTROL
COMMITTEE

DATE: WEDNESDAY, 20 JUNE 2012

REPORT BY: HEAD OF PLANNING

SUBJECT: GENERAL MATTERS - ERECTION OF 10 NO. TWO
BEDROOM APARTMENTS AT RISBORO, NANT
MAWR ROAD, BUCKLEY

1.00 APPLICATION NUMBER

1.01 049451

2.00 APPLICANT

2.01 Mr. G. Ames

3.00 SITE

3.01 Risboro,
Nant Mawr Road,
Buckley,
CH7 2BR.

4.00 APPLICATION VALID DATE

4.01 13/02/2012

5.00 PURPOSE OF REPORT

5.01 Following the resolution at the 23rd May 2012 meeting of the Planning and Development Control Committee to refuse the above planning application, to seek guidance regarding the reasons for refusal to be attached to the decision.

6.00 REPORT

6.01 Members are referred to the minutes of the previous meeting, where it will be noted that it was resolved that planning application ref. 49451 was to be refused for reasons referring to;

1. The overdevelopment of the site and its consequent overbearing impact upon the residential amenity of adjacent properties, namely those upon Dawn Close,
2. The development will give rise to additional traffic generation which would be detrimental to highway safety in this location,

and
3. The approval of the proposed development would establish a precedent for the demolition of existing large properties in the vicinity to be the detriment of the character of the area.

6.02 Where a decision is taken at Committee against officer recommendation on any particular application, it is the role of officers to draft the precise terms of that decision, in this instance the reasons for the refusal of planning permission. From discussion at the last Committee, Members will be aware of the views of officers with regard to the robustness of the refusal in general terms, but specifically in respect of the proposed reason for refusal attributed to highway issues, having regard to Planning Policy and other considerations. It is therefore suggested that Members consider this further report in advance of the drafting of this reason.

6.03 **Highway Issues**

At the Committee meeting on 23rd May 2012, debate in respect of the application focussed, in part, upon the issue of the impacts of the proposed development upon highway safety in the area generally. Questions were raised in respect of the adequacy of the visibility splays proposed at the proposed point of access to the site. Members were advised by officers that this issue had been considered by the Head of Assets and Transportation in his formulation of advice to the Committee. Advice was given that regard had been had to applicable guidance contained within both Technical Advice Note 18 : Transport (TAN18) and Manual for Streets 2 (September 2010) and therefore, there was no concern in this respect. Despite this advice, Members were concerned that, in view of the access being created onto what they considered to be a busy road, inadequate visibility was being provided.

6.04 Whilst not specifically citing inadequate visibility as the primary reason for refusal, Members were effectively stating that they believed there to be a need for the proposed point of access to be subject to a level of provisions other than that considered acceptable by the Head of Assets and Transportation. Guidance in respect of the calculation of the dimensions of visibility splays is set out in paragraph B.6 of Annex B to TAN 18 and is reiterated at Section 10 (Paragraph 10.5.8) of Manual for Streets (Sept 2010). These guidance documents advise that whilst a distance of 2.4 metres from the edge of the nearside

channel of the carriageway should be used, it specifically advises that a minimum distance of 2 metres may be considered acceptable in some slow speed or lightly trafficked situations. It recognises that the front of some vehicles will protrude slightly into the running carriageway but notes that many drivers will cautiously nose out into the traffic.

- 6.05 Members are advised that in view of the lightly trafficked nature of Princess Avenue and the fact that traffic is travelling at slower speeds either approaching or having executed a manoeuvre at the junction with Nant Mawr Road, the Head of Assets and Transportation remains of the view that the visibility splays indicated as part of the application are considered acceptable in the interests of highway safety.
- 6.06 Members are also requested to consider that, in coming to its determination upon a related and not dissimilar development proposal upon this site in October 2011, Highway reasons were also cited as a reason for refusal. Members will recall that this resolution necessitated the presentation of a further General Matters item to November 2011 Committee to advise upon the unsustainable nature of such a reason for refusal. Members may also recall that the Committee resolved to accept the advice in respect of the then suggested reason for refusal upon highway grounds.

Recommendation

That Members reconsider the resolution made at the 23rd May Committee in respect of this particular reason for refusal for the reasons set out above and consider refusal upon grounds other than that of highway impact.

- 6.07 **Overlooking & Overdevelopment**
Members will recall resolving to refuse for an additional reason related to the overdevelopment of the site and its consequent adverse overlooking of adjacent properties on Dawn Close. In view of this fact, I set out below the proposed wording of a reason for refusal to reflect these comments.

REASON FOR REFUSAL

The proposals are considered to amount to an overdevelopment of the site which, by virtue of the form, height and design of the proposed dwellings in relation to existing adjacent dwellings, would result in an overbearing impact, occasioned by overlooking, to the detriment of the levels of residential amenity currently enjoyed by the occupants of those dwellings. Accordingly, the proposals are considered to be contrary to the provisions of Policies GEN1, D1 and HSG3 of the Flintshire Unitary Development Plan.

- 6.08 **Precedent**
In addition, Members resolved to cite precedent as a reason for

refusal. In view of this I set out below the proposed wording of a reason for refusal to reflect these comments.

REASON FOR REFUSAL

The proposal seeks approval for a form of development which, if approved, would establish a precedent for the demolition of large detached properties in the area and the re-development of those sites with increased numbers of dwelling units, of a form incongruous with the locality, which would have a significantly adverse impact upon the character and appearance of the area. Accordingly, the proposals are considered to be contrary to the provisions of Policies GEN1, D1, HSG3 and HSG8 of the Flintshire Unitary Development Plan.

- 6.09 In summary, Members are asked to consider the difficulty in defending the reasons for refusal in relation to the matters identified as part of the resolution of committee and, that relating in particular to highway issues, is reconsidered in view of the information presented above.

7.00 RECOMMENDATIONS

- 7.01 That the wording of the draft reason for refusal relating to overdevelopment and adverse impacts upon amenity arising from overlooking in relation to application ref. 49451 is considered by Members to determine whether this accurately reflects the resolution at Planning and Development Control Committee on 23rd May 2012.
- 7.02 That the reason relating to highways is not included in the decision on the application.
- 7.03 Should Members resolve not to accept the second recommendation, that delegated authority be given to the Head of Planning to draft an additional reason based on this issue.

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: glyn_d_jones@flintshire.gov.uk