

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD OCTOBER 2018**

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

SUBJECT: **APPEAL BY MR. P. MILITIADES AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL OF THE OUTLINE APPLICATION FOR THE ERECTION OF A3 UNIT (FOOD AND DRINK) AND CONSTRUCTION OF NEW AND REPLACEMENT CAR PARKING AT EWLOE POST OFFICE, THE HIGHWAY, HAWARDEN – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 057774

2.00 APPLICANT

2.01 Hungrys-3

3.00 SITE

3.01 Land at Ewloe Post Office,
The Highway, Hawarden.

4.00 APPLICATION VALID DATE

4.01 20th November 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of the outcome of an appeal against the failure of Flintshire County Council to give notice within the prescribed period of a decision for an outline application (all matters reserved) for the erection of a food and drink building (Use Class A3), construction of new and replacement surface car parking and revised access detail at land at Ewloe Post Office, The Highway, Ewloe, Near Hawarden. Officers were minded to approve application. The appeal was dealt with by written representations and the Inspector was Iwan Lloyd. The appeal was **ALLOWED**.

6.00 REPORT

6.01 The Inspector considered the main issue to be highway safety.

6.02 Background

The site comprises an area to the side and to the rear of the Post Office, situated opposite the Co-op and adjacent to the Church in Ewloe. The proposal involves the demolition of a single storey lean-to the Post Office and the erection of a food and drink building, car parking and alterations to the existing vehicular access.

6.03 Highway Safety

A revised plan shows improvements to the existing site access arrangement to accommodate the increase in traffic movement from the site. The Highway Engineer Development Control was content with the amended access plan citing that this is an improvement over the present situation allowing for the increase in movement and that on-road parking provision and restrictions are re-configured by traffic regulation order. Whilst there are some concerns on access visibility and parking provision in relation to reversing from identified spaces, as a whole the access, parking and visibility arrangements for the proposal were considered acceptable in principle. Access in this case is a reserved matter and the local planning authority has further consideration of the matter when dealing with the details.

6.04 The Inspector saw no reason to disagree with the assessment on the outline application concerning access. The proximity of the pedestrian crossing and the position of the access arrangement opposite the Co-op entrance are pre-existing and will not change. The proposal seeks to improve the existing access and there is no compelling evidence to indicate that the residual impact of the proposal would be severe or significant. Representations that pedestrians crossing the road would be at greater risk is unfounded, and there is no compelling evidence to show that the proposed development would increase that risk.

6.05 The Inspector therefore concluded that the proposal would not harm highway safety.

6.06 Other Matters and Conditions

The Inspector noted the concern about ground stability which was addressed given that the proposed building on the indicative layout is positioned alongside the Church. Any reserved matter application incorporating layout would be advised to follow the current in principle layout to avoid objections. The Inspector saw no reason that the matter should be expressly conditioned to that effect given that layout is a reserved matter. There was no objection to the imposition of the suggested conditions.

6.07 No condition was suggested on the hours of opening of the food and drink use. This appears to be outside the scope of the reserved matters applications and should be part of the outline application. The Inspector imposed a condition on opening times. It was in the interests of the living conditions of nearby residents in relation to noise and disturbance and in the interests of highway safety.

7.00 CONCLUSION

7.01 The Inspector concluded that the proposal would not harm highway and no other material considerations indicated that the development would not accord with the development plan. The presumption in favour of sustainable development in accordance with the development plan in Planning Policy Wales (paragraph 4.2.4) applies.

7.02 It was concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Alan Wells
Telephone: 01352) 703255
Email: alan.wells@flintshire.gov.uk