

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13th MARCH 2024**

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

SUBJECT: **REVISED APPLICATION FOR THE CONVERSION AND EXTENSION OF AN OUTBUILDING TO FORM A HOME OFFICE AND GYM; AND THE DEMOLITION OF PART OF A BOUNDARY WALL IN ORDER TO CREATE AN OFF-STREET PARKING SPACE WITH AN ELECTRIC VEHICLE CHARGE POINT (INCLUDING AREA OF LAND OUTSIDE APPLICANTS OWNERSHIP).**

APPLICATION NUMBER: **FUL/000621/23**

APPLICANT: **MR & MS M & S HODGSON & POOSTCHI**

SITE: **ARWEINFA, GWAENYSGOR, RHYL, LL18 6EP**

APPLICATION VALID DATE: **05-Jul-2023**

LOCAL MEMBERS: **CLLR G BANKS**
CLLR G MADDISON

TOWN/COMMUNITY COUNCIL: **TRELAWNYD & GWAENYSGOR COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **CLLR G MADDISON - I WISH FOR THE APPLICATION TO BE DISCUSSED AT PLANNING COMMITTEE. REASON, THE DEVELOPMENT IS UNSUITABLE FOR A CONSERVATION AREA IN AONB**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks permission for the conversion and extension of outbuilding to form a home office and gym and the demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point.

The application was deferred from Planning Committee on the 30th August 2023 following the site visit to allow the applicant additional time to prepare further information in support of the application concerning - visibility splays, section drawings of the parking area and an amended plan of the parking area. The site visit was also rearranged to allow for Members to have access to the site.

Since the original submission the original plans have been amended to include revised location plan which includes the highway verge within the red line area. As this land falls outside of the applicant's ownership they have placed a notice in the Rhyl Journal advertising their intention to utilise this piece of land and signed certificate D.

In addition the applicant has revised the parking area plan and the rebuilt wall is now proposed to extend down the right-hand side of the parking area, with a gate as well as sectional drawings of the parking area showing the span of the structural deck, supporting walls and foundations proposed.

The application is to be read alongside the associated Conservation Area consent - CONS/000790/22 application for the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point.

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

2.01 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Written notification of the date of commencement of any works on the site deemed to begin the development shall be sent to the Local Planning Authority within seven days of such commencement.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Elevations 1030 PL17 (Rev D) Dated 14/03/2023
- Proposed Ground Floor Plan 1030 PL15 (Rev C) 14/03/2023
- Proposed Section 1030 PL18 (Rev D) 14/03/2023
- Proposed Roof Plan 1030 PL16 (Rev D) 14/03/2023
- Location Plan, Existing and Proposed Block Plans 1030 S15 (Rev B) 17/11/2023
- Proposed Parking Area Sketch 1030 PL19 (Rev E) 20/11/2023

- Proposed Parking Area Sketch Plan and Sections 1030 PL20 (Rev B) 20/11/2023

3. No development shall take place until samples of the materials to be used in the external finishes of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

4. The outbuilding hereby permitted shall be used only for purposes incidental to the occupation and enjoyment of the occupiers of the main dwellinghouse 'Arweinfaf, Gwaenysgor, Rhyl, LL18 6EP' and shall not be used as a separate unit of accommodation or business.

5. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

6. The proposed access shall have a visibility splay of 2.0m x 14m in an easterly direction measured to the centreline of the adjoining running lane and 2.0m x 16m in westerly direction measured to the nearside edge of the adjoining carriageway. Both sightlines shall cross over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.

7. Notwithstanding the approved plans details of boundary treatment to be erected at the rear of the parking space hereby approved on the southern boundary adjoining Tyn Rodyn shall be submitted to and agreed in writing with the Local Planning Authority prior to first use. The agreed scheme shall be implemented in full prior to first use and retained as such thereafter.

8. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to first use and retained as such thereafter.

3.00 CONSULTATIONS

3.01 **Local Member - Cllr G Maddison** - wishes for the application to be discussed at planning committee. Reason, the development is unsuitable for a conservation area in AONB

Local Member – Cllr G Banks – finds the proposal outrageous and states; I am personally totally against this taking place.

Trelawnyd and Gwaenysgor Community Council – objects to the proposal on the following grounds – materials not in keeping, will impose on skyline and take away privacy, inadequate drainage, loss of parking in village, loss of green verge and historic wall, plans don't appear correct, the parking area could impact on the safety of neighbours and could lead to a dangerous situation, contrary to policies in LDP.

Public Rights of Way - No objection. Public Bridleway 10 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Highways Development Control – Subject to a condition to secure adequate visibility in perpetuity at the proposed point of access onto the highway, there are no objections to the proposal on highway safety or parking provision.

Built Conservation – Following examination the Conservation Team identified that the section of the wall subject to this application is un-historic in date, having been reconstructed within the last thirty years. Conservation thereby considers that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area on this basis raise no objection.

Community & Business Protection (Pollution) - No objection.

Area of Outstanding Nature Beauty (AONB) Joint Committee – No Objection

CADW - No comments received at the time of writing the report.

Clwyd Powys Archaeological Trust - No objection - recommend planning condition to secure archaeological watching brief.

4.00 PUBLICITY

4.01 A site notice was posted on the telegraph pole outside the site and 18 Neighbour Notifications were sent to adjoining/nearby properties. At the time of writing a petition of objection containing 57 signatures has been received along with a number of objections to the proposal. The objections are summarised as follows:

1. The proposal is contrary to policy EN9
2. The development is out of keeping with the character and appearance of the conservation area
3. The height and massing will unacceptably impact upon the

- streetscape and open skyline vista along Lon Chapel
4. The development defies the Conservation Area appraisal.
 5. The plans do not appear to be drawn correctly.
 6. PV Panels & scale of roof detrimental to the framing and focus of Arweinfaf.
 7. Too big and overbearing
 8. Loss of privacy and potential for overlooking
 9. The proposal represents a personal business use
 10. Building subject to application already in use as personal training business use
 11. No significant justification for the removal of the historic wall.
 12. Impact on amenity, character and appearance of the village.
 13. Highway safety concerns and loss of on street parking.
 14. Negative impact on the character of Gwaenysgor conservation area.
 15. Appearance and impact on street scene
 16. Misleading application description
 17. Safety concerns over the parking space.

5.00 SITE HISTORY

- 5.01 064268 - Proposed outbuilding conversion and extension to form home office with off-road parking- Refused 29.09.2022 (Householder)
- 064269 - Proposed demolition of stone wall within conservation area to create new access- Refused 29.09.2023 (Conservation Area Consent).

6.00 PLANNING POLICIES

- 6.01 Flintshire Local Development Plan (Adopted)
- PC1 – The Relationship of Development to Settlement Boundaries
 - PC2 – General Requirements for Development
 - PC3 – Design
 - PC4 – Sustainability and Resilience
 - PC5 – Transport and Accessibility
 - HN4 – Housing in the Countryside
 - HN5 – House Extensions and Alterations
 - EN4 – Landscape Character
 - EN5- Area of Outstanding Natural Beauty
 - EN6 – Sites of Biodiversity Importance
 - EN8 – Built Historic Environment and Listed Buildings
 - EN9 – Development within or Adjacent to Conservation Areas
 - EN10 – Buildings of Local Interest
 - EN18 – Pollution and Noise

Supplementary Planning Guidance (Adopted)
SPGN No 1 – House Extensions and Alterations

SPGN No 2 – Space Around Dwellings
SPGN No.6 – Listed Buildings
SPGN No 7 - Conservation Areas
SPGN No 8 – Nature Conservation and Development
SPGN No.11 - Parking Standards
SPG on Clwydian Range and Dee Valley Area of Outstanding
Natural Beauty (AONB)

Gwaenysgor Conservation Area Appraisal and Management Plan

National Planning Policies

Future Wales Development Plan 2020-2040

Planning Policy Wales (PPW) Edition 12

Welsh Government Technical Advice Notes (TAN)

TAN12 - Design

TAN24 – The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Site & Surroundings

The application site is located Gwaenysgor and is within the Conservation Area and Area of Outstanding Natural Beauty (AONB).

7.02 The site consists of a relatively large, detached dwelling - part two storey, part single storey, located centrally within the village. The property is built in traditional stone and is surrounded by similar style dwellings.

7.03 The property has an area of amenity space at the rear that consists of a courtyard with a small orchard beyond. A stone wall surrounds the property with railings above the wall in front of the principal elevation.

7.04 The outbuilding is located at the rear of the site and forms an open store - ancillary to the main dwelling. The existing structure ties into the stone wall forming the courtyard area at the back of the property.

7.05 Proposal

This application seeks permission for the conversion and extension of outbuilding to form a home office and gym and the demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point. The application is to be read alongside the associated Conservation Area consent application - CONS/000790/22 for the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point.

7.06 The Main Issues

The main issues for consideration in this matter are;

- Principle of development having regard to planning policy framework and background planning history
- Scale and design of development
- Adequacy of access
- Impact on living conditions & impact upon conservation area
- Impact upon AONB

7.07 Principle of Development

The application site is located in Gwaenysgor which is a Tier 5 Undefined Village in policy STR2 of the adopted Flintshire Local Development Plan. Tier 5 settlements are the smallest settlements and do not have defined a settlement boundary. However, the application site sits at the centre of the village and is clearly contained within the existing built form of the settlement. There are no policies in the adopted Plan which would preclude the principle of converting and extending an existing building for an ancillary residential use.

7.08 Arweinfia is sited within an area identified as a Conservation Area and Area of Outstanding Natural Beauty (AONB).

7.09 The Welsh Government sets out in para 6.1.1 of Planning Policy Wales that schemes should preserve and enhance the historic environment, recognise its contribution to economic vitality and culture, civic pride and the quality of life, and to recognise its importance as a resource for future generations. It adds that schemes should ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest and to ensure that Conservation Areas are protected and enhanced. In respect of AONBs para 6.3.7 states 'In AONBs, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas'.

7.10 Policies PC2 and PC3 seek new development to harmonise with and enhance the existing character and appearance of the site and surroundings.

7.11 Policy EN9 states development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting.

7.12 The adopted SPG on Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) guides the key design

considerations at these locations, which include scale, siting, design, materials, setting and landscape.

- 7.13 SPGN No.7 advises Conservation Area designation gives control over the total or substantial demolition of unlisted buildings within conservation areas, by making it necessary to obtain conservation area consent – see CONS/000790/22.
- 7.14 Given the above context, national and local policy confirm that the application site is in an appropriate location for such development subject to compliance with the relevant policy.
- 7.15 Conservation Area and Area of Outstanding Natural Beauty
The development site is located in a prominent position in the centre of the Gwaenysgor Conservation Area and is also within an identified area of Outstanding Natural Beauty.
- 7.16 Gwaenysgor Conservation Area Appraisal and Management Plan, is a guidance document produced by the Local Authority in consultation with the Community Council and carries limited weight. It is not a SPG and does not supersede the adopted policies provided under the adopted Flintshire Local Development Plan, Supplementary Planning Guidance Notes and Welsh Government Technical Advice Note.
- 7.17 The document advises for the area that the familial character for Gwaenysgor is strengthened by the use of common building materials and building form with the north eastern section of Arweinfaf identified within the document as a focussed building with long views into the village, from routes converging towards the village core. Section 3 and subsequent paragraphs within this segment there is discussion of the alterations and changes that have occurred over the years, with the introduction of more modern elements in such as new windows, dormers and modern materials within the village. Paragraph 3.24 negative development include breaks in stone walls to create vehicular access ways.
- 7.18 The Built Conservation Team have reviewed the documents submitted within the current application which now proposes to extend and alter an existing stone outbuilding into a single storey structure rather than a two storey which had been refused under the earlier two applications due to the concerns raised over the impact of the development upon the overall character of the area.
- 7.19 The outbuilding subject to this application is located at the rear of Arweinfaf and it is intended to convert and extend the building to create a new office and gym building for personal use of the occupants of Arweinfaf. The use of the building for personal use can be controlled by condition.

- 7.20 As set out above, the host dwelling and associated buildings are located in a prominent position in the centre of the Gwaenysgor Conservation area and near to a number of Grade II* and II Listed buildings. It is noted that the Arweinfaf outbuilding was noted as a building that had a positive contribution to the character of the Conservation Area in Gwaenysgor Conservation Appraisal document.
- 7.21 It was considered that the previously proposed two storey building (REF: 064268) was out of character in terms of its massing and appearance to the surrounding buildings and as such would be out of scale with the adjacent single storey cottage and would therefore appear awkward in context with Arweinfaf. It was therefore refused planning permission.
- 7.22 As such the applicant has amended the scheme under the current proposal, reducing the height of the ridge of the proposed converted building by just under a metre. In addition, at the request of the Local Planning Authority the new dormer structure on the inward facing elevation has been removed and the building will retain a slated roof with traditional eaves. This has considerably reduced the overall bulk and massing of the structure so that it now relates much better to its surroundings.
- 7.23 The proposed roof contains three conservation style roof lights facing the orchard, with two new windows containing new cast stone lintels and stone of traditional scale. Facing into the courtyard are new timber framed double glazed, non-opening screens, enclosed within a timber structure with solar PV panels flushed to the roof. The design has been assessed having regard to its impact upon both the conservation area and the AONB and given the quality of the proposed structure/materials and its overall design are deemed acceptable given the important location.
- 7.24 It is considered that the simpler, more traditional form with materials anticipated in a traditional garden outbuilding retain the character of the conservation area as well as that of the AONB.
- 7.25 It is worth noting that the AONB Joint Advisory Committee have no objection to the proposal.
- 7.26 In terms of the loss of the proposed wall, despite concerns of local residents, the Built Conservation Officer has had an opportunity to re-examine section proposed to be removed and identified that the section of the wall is not historic in date, having been reconstructed within the last thirty years. It is thereby considered that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area.

- 7.27 The small area of grass verge that is now incorporated into the development will be maintained by the applicant so as to ensure visibility (see below). It is not considered that the inclusion would have any adverse impact upon the character of the Conservation Area or AONB as this appeared to be a self-seeded and unkempt shrub.
- 7.28 The development proposed is therefore deemed to comply with the principles set out in Local and National policy.
- 7.29 Given that the plot lies within the predicted medieval historic core of Gwaenysgor and the Conservation Area a condition will be imposed to ensure appropriate archaeological monitoring takes place during construction.
- 7.30 Impacts upon Living Conditions
Representation has been made to the extent that the proposal results in a loss of residential amenity of adjacent residents. Given that the site is relatively well screened from the adjoining properties and the proposed structure is now single storey in nature, the living conditions of adjoining residential properties are considered to be preserved.
- 7.31 Concern has been raised by residents over the potential safety implications of the development given that site of the car parking area backs onto a garden at a lower level with a summer house directly behind.
- 7.32 Whilst comments of this nature fall outside of the remit of planning permission, plans have been provided to show how the proposed parking area will be constructed as a consequence of the change in levels. In order to preserve the residential amenity of those residents potentially affected by the development, a condition for details of boundary treatment will be imposed.
- 7.33 Given the above it is considered that the amenities of neighbouring residents can be preserved to an acceptable degree and as such complies with policy PC2 and PC3 of the LDP as well as SPG no's 1 & 2.
- 7.34 Highway Safety and Parking
In terms of the concerns raised by local residents regarding off road parking and highway safety, the applicant has amended the site plan to include a small area of grass verge to the west of the proposed access. This will enable the applicant to retain control of this piece of land so as to ensure adequate visibility splays. The Highways Development Management Team advise that a speed survey was undertaken which demonstrated that vehicular speeds passing the site are in the region of 15 mph and on this basis were prepared to accept a relaxation to the visibility standards generally required. As such they state that whilst there is no longer a necessity to provide the measure of visibility originally requested (in the previous

application), the speed survey results do indicate the necessity for a 14m sightline to be provided in the critical direction. This is based on the 85th percentile average 7 day speeds for westbound traffic (14.2mph).

- 7.35 The Highways Development Management Team subsequently raise no objection to the 2.0m set back along the centreline of the access and accept the sightline being drawn to the centre of the nearside lane, which has been addressed within revised drawings taking into account that vehicles are unlikely to be driving tight up against the stone wall on approach.
- 7.36 Concerns by local residents has been raised over the loss of potential off street parking and that the proposed development would cause a reduction in on street parking. The Highways Development Management Team advise that the off-road parking for one car within Arweinf, would equalise the current situation and would not lead to concerns regarding highway safety. The proposal is therefore considered acceptable having regards to policy STR5 and PC5 of the LDP.
- 7.37 Other Issues
Concern has been raised over the accuracy of the plans. If it transpires that the development is not built in accordance with the approved plans, this matter that can be investigated by the enforcement team to see if it is expedient to take enforcement action.

8.00 CONCLUSION

- 8.01 It is considered that the proposed conversion and extension of an existing outbuilding, the design of the proposed development and removal of the small section of wall are deemed acceptable having regard to the impact upon the conservation area and AONB. The proposal is within acceptable limits having regard to impact upon residential amenity as well as upon highway safety and parking. The development is therefore deemed acceptable having regards to the Flintshire Local Development Plan, supplementary planning guidance and National Planning Policy

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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