

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD OCTOBER 2018**

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

SUBJECT: **FULL APPLICATION – RENOVATION AND CHANGE OF USE OF A FORMER SHOP PREMISES TO CREATE A ONE BEDROOM HOLIDAY LET AND GARDEN AREA AT POST OFFICE, FFORDD Y LLAN, CILCAIN.**

APPLICATION NUMBER: **058434**

APPLICANT: **ROTHESAY ESTATES LIMITED**

SITE: **POST OFFICE
FFORDD Y LLAN
CILCAIN
CH7 5NW**

APPLICATION VALID DATE: **3RD MAY 2018**

LOCAL MEMBERS: **COUNCILLOR W O THOMAS**

TOWN/COMMUNITY COUNCIL: **CILCAIN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **IMPACT OF PROPOSAL ON CONSERVATION AREA, IMPACT ON AMENITY OF NEIGHBOURING PROPERTIES, PARKING ISSUES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This item was deferred at the Planning Committee meeting in September to allow a site visit to take place.
- 1.02 This is a full application for the change of use of a former shop to create a one bedroom, with ancillary accommodation, holiday let and garden area. The main issues are considered to be the principle of development in this location, the impact of the proposal upon the

conservation area, AONB and neighbouring amenity and issues of parking.

- 1.03 Members should be aware that an appeal on the basis of non-determination has been lodged by the applicant with the Welsh Ministers. As Members will recall, a 28 day 'dual jurisdiction' period exists from the date of the appeal being lodged with the Welsh Ministers, during which time the Local Planning Authority may determine the application. The 28 day period began on 11th September 2018.

Accordingly, the Committee may now pursue one of the following courses of action. It may either;

1. grant planning permission; or
2. refuse to grant planning permission.

Should the Committee resolve to refuse to grant planning permission, then the reasons for such a refusal will form the basis of the Council's position in the subsequent consideration of the appeal.

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

- 2.01
1. Date of commencement
 2. In accordance with approved plans
 3. Landscaping scheme to be submitted and agreed
 4. Implementation of Landscaping scheme
 5. No surface water/land drainage to connect directly or indirectly to the public sewerage network
 6. Details of the stone wall to be submitted and agreed prior to construction
 7. Details of all windows and doors to be introduced to the building to be submitted and approved
 8. Holiday use only

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor W O Thomas
Requests the planning application to go to planning committee.
My reasons are:
There are a number of questions to be asking- the application is in

the conservation area, the curtilage is marked to the end of the road there are no pavements so the first 4ft of the grass verge has to be left clear, there is the wood stove the chimney is low and the smoke would affect the adjacent dwellings. This is a 2 bed not a 1 bed as stated which would involve 2 cars, no parking provided within the curtilage and we have had a lot of complaints of parking in front of parking properties

Cilcain Community Council

The community council object to the application for the following reasons:

- a) No provision is made in the application for off street parking. The Council is aware of existing parking/obstruction problems in both Ffordd y Llan and Glascoed. Therefore no off street parking on this development would aggravate the situation.
- b) Because there is no footway for pedestrians in Glascoed, vehicles on the estate are not allowed to park on the road in order to eliminate pedestrian/vehicle conflict. Similarly, persons using the holiday let facility should not be parking on the carriageway in Glascoed.
- c) Houses erected in Glascoed have to have off road parking provision on their drives, so this new development should also have to provide off street parking
- d) Vehicles parking in Ffordd y Llan outside this development would obscure the visibility of vehicles exiting the Glascoed Estate.
- e) The Council questions the land ownership details shown on the application. There is no footpath in Glas Coed, but the County Council owns a 4ft wide service strip on each side of the carriageway. This 4ft strip at the back of the roadside kerb does not appear to tally with the land boundary shown on the application plan.

Head of Assets and Transportation

Does not consider that refusal could be substantiated on lack of parking given previous use as a shop.

In order to safeguard visibility from the adjoining junction serving Glas Coed I would recommend the proposed new boundary, if greater than 1.0m, be set back clear of the visibility sightline indicated on the attached plan.

Head of Public Protection

No adverse comments

Economy

Support application. This development would bring back into use a currently vacant space to a high standard and realise a quality holiday let accommodation in a popular location

Welsh Water/Dwr Cymru

Note that the developer proposes to dispose of foul flows via the public sewerage system and it is unknown how the developer proposed to dispose of surface water runoff. Therefore, request a condition and advisory notes to be included with any consent.

AONB

No objection. Request that details of stone wall be agreed to ensure that is traditionally constructed to complement the character of the conservation area.

Natural Resources Wales

NRW do not object to the proposal. NRW do not consider that the application will have any impact on foul water or protected species. Advisory notes are requested to be added to any permission issued,

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

3 letter of objection received

- Traffic, Parking and safety issues
- Impact of proposal on Conservation area

5.00 SITE HISTORY

5.01 85/0634 Change of use of 2 rooms to tea rooms approved 23rd January 1986

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR6 Tourism

GEN1 General Requirements for Development

GEN2 Development Inside Settlement Boundaries

L2 Area of Outstanding Natural Beauty

HE1 Development Affecting Conservation Areas

AC18 Parking Provision and New Development

S11 Retention of Local Facilities

T3 Self-Catering Tourist Accommodation

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal is for the change of use of a former shop unit to create a one bedroom holiday let and associated garden area. The site is

located within the settlement boundary for Cilcain in the Flintshire Unitary Development Plan, as well as within the Cilcain Conservation area.

Main Issues

The main issues are considered to be the acceptability of the proposal in policy terms, with particular regard to the retention of local facilities, the impact of the proposal on the conservation area and the AONB, the impact of the proposal on neighbouring amenity and parking.

Principle of development

The site is within the settlement boundary for Cilcain. In such areas, by virtue of UDP Policy T3 there is a presumption in favour of self-catering tourist accommodation, where such development is appropriate in scale and character to its location and setting, will not have a significant adverse impact upon the amenity of nearby residents or the community in general, where appropriate is accessible by a choice of modes of travel and will not have a significant adverse impact on features or areas of landscape, nature conservation or historic value.

The development is utilising the existing vacant shop unit and is not requiring the shop to close. Notwithstanding this, similar facilities to those lost by the closure of the shop exist within the community so that it is considered that the requirements of Unitary Development Policy S11 are satisfied.

It is considered that the principle of the proposal is acceptable in policy terms.

Parking and traffic safety

The previous use of the unit as a shop, which can be described as a 'fall-back' position is a significant material planning consideration to be given significant weight in the overall planning balance. It is considered that the proposed use as a small holiday let will have a reduced impact upon the highways in terms of traffic generation and parking requirement than the currently permitted use as a shop. As such a reason for refusal on a lack of parking would be difficult to substantiate on appeal.

Amendments to the plan have been made to ensure that visibility from the adjacent junction is left unimpeded by the boundary wall.

It is not considered that the proposal would have an adverse impact upon highways safety.

Impact upon Conservation area

The proposal has been designed in a way as to require very little external changes to the current shop unit. New fenestration and openings consists of three new conservation style rooflights and a set of French doors. These features are being introduced to the eastern elevation of the building, which faces into the courtyard. The western elevation, which is located tight against the boundary with the highway and clearly visible to public view, is unchanged although one of the windows shall be obscurely glazed as it will serve a bathroom in the new development. A new flue for a wood burner is also proposed on the roof plane of the eastern elevation, the height of this flue is approximately the same as the ridge of the roof and is unobtrusive.

Policy HE1 of the Flintshire Unitary Development Plan required development in the conservation area to either preserve or enhance the character and appearance of the designated area. I consider that the sensitive conversion of this former shop unit will both preserve and enhance the conservation area. To ensure that the work is sympathetic to the locality conditions regarding the materials and details of individual features such as fenestration and the new boundary wall shall be imposed.

Impact upon neighbouring living conditions

Given the small scale of the proposal, and the relatively little external alteration to the unit I do not consider that the proposed development would unduly impact upon neighbouring living conditions with particular regard to noise, disturbance and privacy. The use of the unit as a shop would involve a far greater amount of comings and goings with a resultant impact upon local living conditions.

The introduction of a flue to serve a wood burner has been queried. This feature would not unacceptably impact upon the conservation area, on the outlook for neighbouring residents from a visual point of view. In terms of other impacts from its use these would be controlled by public nuisance legislation and other controls outside of the jurisdiction of the planning department.

8.00 CONCLUSION

I consider that the proposal is acceptable and in accordance with all relevant unitary development plan policies and as such I recommend that the application is approved with the schedule of conditions given above.

8.01 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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