

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH SEPTEMBER 2018**

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

SUBJECT: **APPEAL BY THE EURO GARAGES LTD AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL FOR THE DEMOLITION OF EXISTING PETROL FILLING STATION AND CONVENIENCE STORE AND REDEVELOPMENT OF SITE FOR NEW PETROL FILLING STATION, CONVENIENCE STORE AND DRIVE-THRU BAKERY (USE CLASS A1) AT ESSO SERVICE STATION, CHURCH STREET, CONNAH'S QUAY – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 057788

2.00 APPLICANT

2.01 Euro Garages

3.00 SITE

3.01 Esso Service Station
Church Street
Connah's Quay
Flintshire
CH5 4AS

4.00 APPLICATION VALID DATE

4.01 22nd November 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal, following the failure of the Local Planning Authority to determine the application within the prescribed 8 week period, for the demolition of the existing petrol filling station and convenience and redevelopment of the site for a new petrol filling station, convenience store and drive thru bakery at Esso Service Station, Church Street, Connah's Quay, Flintshire. The appointed Planning Inspector was Mr. I. Lloyd. The appeal was

5.02 determined via the Written Representations method and was **DISMISSED**.

6.00 REPORT

6.01 The Main Issues

The Inspector noted that the Local Planning Authority, if it had been able to determine the application within 8 weeks, would have refused to grant planning permissions on the basis of harm to the living conditions of existing nearby residents and harm to highway and pedestrian safety and concluded that these were the main issues in the appeal.

6.02 Impact upon existing living conditions

The Inspector noted the current context of the site, its surroundings and its relationship to existing residential premises upon Dunbar Close. He noted how the proposals would alter the proximity of the relationship of the current convenience store with these dwellings.

6.03 Whilst he noted that the site is part of a wider assemblage of commercial activity fronting Church Street, he was of the view that the proposals would bring the commercial activity much closer to No's 5 & 7 Dunbar Close. He noted the shallow nature of their gardens and the fact the proposed drive thru element of the scheme would be situated only some 5-6 metres from the rear elevations of these properties. He also had regard to the fact that the flank of the proposed store would be located only some 13m away from the dwellings.

6.04 The Inspector identified that the eastern part of the site is presently heavily landscaped with significant trees and shrubbery which serves to attenuate the noise and disturbance associated with the current petrol filling station. He noted that the proposals involved the removal of this natural screen. He noted the mitigation suggested by the appellant but considered that this did not demonstrate that the impact as a result would be tolerable.

6.05 He concluded in relation to this issue that the nature of the use, its operation; its proximity to existing dwellings and the loss of the existing natural screening would have a significantly different effect upon the living conditions of nearby residents, as a result of noise and disturbance, than is presently the case. He concluded therefore that the proposal would not accord with Policies GEN1 and D2 of the UDP.

6.06 Highway Safety

The Inspector noted that the proposals involved the re-configuration of 'in and out' movements associated with the use. He noted the disagreement between the parties in respect of the trading floor area of the convenience store and concluded it amounted to some 320m²,

thereby requiring the provision of some 20 parking spaces. He noted that the proposed 12 parking spaces, in addition to the eight spaces at the pumps would satisfy this requirement.

6.07 The Inspector considered that the proposed re-configuration of the access resulted in insufficient space for the manoeuvring of vehicles from the parking spaces when the pumps are occupied and concluded, notwithstanding the appellants suggested mitigation, that this arrangements would result in harm to highway safety. Accordingly he noted the proposals would conflict with policy GEN1 of the UDP.

6.08 **Costs Decision**
TBC

7.00 CONCLUSION

7.01 The Inspector considered the proposals failed to accord with the identified UDP policies or PPW for the reasons set out above. He had regard to the appellants economic benefit argument but concluded that they did not outweigh the identified harm. Accordingly he **DISMISSED** the appeal.

LIST OF BACKGROUND DOCUMENTS

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

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