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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Marion Bateman, Sean Bibby,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, Carol Ellis,
David Evans, Veronica Gay, Patrick Heesom,
Dave Hughes, Kevin Hughes, Christine Jones,
Richard Jones, Richard Lloyd, Billy Mullin,
Mike Peers, Neville Phillips and Owen Thomas

18 April 2018

Sharon Thomas 01352 702324
sharon.b.thomas@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 25TH APRIL, 2018** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

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AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 28 March 2018.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)
TO PLANNING COMMITTEE ON 25 APRIL 2018**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	057971 - A	Full Application - Residential Development for 27 No. Dwellings and Associated Gardens and Car Parking at Llys Dewi, Penyffordd, Holywell. (Pages 9 - 22)
6.2	057919 - A	Change of Use of Dwelling to House in Multiple Occupation at Wellfield Farm, Village Road, Northop Hall. (Pages 23 - 30)
6.3	058024 - A	Change of Use and Extension to Dwelling to Form House in Multiple Occupation at 46 Gladstone Road, Broughton (Pages 31 - 38)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.4	057109	Appeal by Mr. Glyn Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of One Dwelling at Serengeti, Gorsedd, Holywell - DISMISSED. (Pages 39 - 44)

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PLANNING COMMITTEE
28TH MARCH 2018

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 28th March 2018

PRESENT: Councillor David Wisinger (Chair)

Councillors: Marion Bateman, Sean Bibby, Chris Bithell, Derek Butler, David Cox, Adele Davies-Cooke, Ian Dunbar, Patrick Heesom, Dave Hughes, Kevin Hughes, Christine Jones, Richard Jones, Richard Lloyd, Billy Mullin, Neville Phillips and Owen Thomas.

APOLOGIES: Councillors: David Evans, Veronica Gay and Mike Peers.

IN ATTENDANCE:

Chief Officer (Planning and Environment); Service Manager - Strategy; Team Leader – Planning, Senior Planner; Senior Solicitor and Team Leader – Committee Services.

69. DECLARATIONS OF INTEREST

None were declared.

70. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:

<http://committeemeetings.flintshire.gov.uk/documents/s48065/Late%20Observations.pdf?LLL=0>

71. MINUTES

The draft minutes of the meeting on 7th March 2018 were submitted and confirmed as a correct record.

RESOLVED:

That the minutes be approved as a true and correct record and signed by the Chairman.

72. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

73. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)

RESOLVED:

That decisions be recorded as shown on the Planning Application schedule attached as an appendix.

74. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 8 members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 3.10pm)

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Chairman

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

PLANNING COMMITTEE ON 28TH MARCH 2018

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
057786	Flint Town Council	Change of use of land for the stationing of caravans for residential purposes for 15 no. gypsy pitches together with the formation of hard standing and dayrooms as an extension to the existing Huntley Yard Travellers Site at Huntley's Yard, Chester Road, Flint	Councillor Rita Johnson, as local member, spoke against the application.	That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation.
057027	Bagillt Community Council	Full application – proposed construction of 10 no. dwellings (four already constructed under permission ref: 049273) including all landscaping details etc at Royal British Legion (former), Gadlys Lane, Bagillt	Mr A. Davies, a local resident, spoke against the application. Mr T. Renshaw spoke against the application on behalf of Bagillt Community Council. Mr P. Lloyd, the agent, spoke on behalf of the application.	That planning permission be refused, against officer recommendation, based on inadequate separation distances, having regard to the difference in levels between the site and surrounding properties, giving rise to overlooking with resultant loss of privacy.
057900	Mold Town Council	Full application – erection of two storey extension to rear of dwelling at 8 Tai Maes, Mold	Mrs. C. Spencer, a local resident, spoke against the application.	That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation.
057158	Hawarden Community	Full application – change of use to house of multiple		That planning permission be granted subject to the conditions set out in the

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
	Council	occupation (partly retrospective) at 3 The Poplars, Hawarden		report and in line with the officer recommendation.
057260	Hawarden Community Council	Full application – change of use to house of multiple occupation (partly retrospective) at 5 The Poplars, Hawarden		That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25TH APRIL 2018**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL
DEVELOPMENT FOR 27 NO. DWELLINGS AND
ASSOCIATED GARDENS AND CAR PARKING AT
LLYS DEWI, PENYFFORDD, HOLYWELL**

**APPLICATION
NUMBER:** **057971**

APPLICANT: **WATES RESIDENTIAL**

SITE: **LLYS DEWI,
PENYFFORDD, HOLYWELL**

**APPLICATION
VALID DATE:** **19TH JANUARY 2018**

LOCAL MEMBERS: **COUNCILLOR G. BANKS**

**TOWN/COMMUNITY
COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO
DELEGATION SCHEME**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the proposed erection of 27 No. affordable dwellings with associated gardens and car parking on land at Llys Dewi, Penyffordd, Holywell.
- 1.02 Part of the site the subject of this application is allocated for residential development in the Flintshire Development Plan by virtue of Policy HSG1 (41).
- 1.03 For Members information the site is within the Council's Strategic Housing & Regeneration Programme (SHARP).

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

2.01 That conditional planning permission be granted subject to the following:-

Conditions

1. Time limit on commencement.
2. In accordance with approved plans/details.
3. Samples of materials to be submitted and approved.
4. No development to commence until site levels and finished floor levels of buildings have been submitted and approved. Development to be undertaken with approved details.
5. Siting, layout, design of the means of site access to be in accordance with details to be submitted and approved.
6. Forming of site access not to commence until detailed design have been submitted and approved.
7. Access to be kerbed and completed to carriageway base course layer prior to any other building operations.
8. Facilities to be provided within the site for the parking and turning of vehicles prior to occupation of any dwelling(s) to which it relates.
9. Details of design, traffic calming, signing, surface water drainage, street lighting to be submitted and approved prior to commencement of any other site works.
10. Gradient of access from edge of carriageway and for a minimum distance of 10 m to be 1:24 and 1:15 thereafter.
11. Positive means to prevent surface water run-off onto carriageway to be submitted and approved.
12. No development to commence until a Construction Traffic Management Plan has been submitted and approved.
13. No dwelling shall be occupied until a full Travel Plan and Transportation Implementation Strategy (TIS) has been submitted and approved.
14. Hard/Soft Landscaping Scheme to be submitted and approved.
15. No development shall commence unless and until a scheme has been submitted and agreed that satisfied the policy and planning requirements relating to the retention of affordable housing.
16. No development shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to public open space and recreation.
17. No development to commence until a scheme for the integrated drainage of the site has been submitted and approved. Development to be carried out in accordance with approved details.
18. Tree/hedgerow protection measures to be implemented prior

to the commencement of any site works.
19. No development, including site clearance, to commence until a scheme for the implementation of reasonable avoidance measures for protected species has been submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member Councillor G. Banks

No response received at time of preparing report.

Llanasa Community Council

Submit the following concerns of residents of Penyffordd relating to the application:-

- The main access road to Penyffordd, Llinegr Hill does not provide sufficiently good access for a further 20 – 40 vehicles on a regular basis. The street lighting on Llinegr Hill has historically caused problems for vehicles travelling both up and down the hill with lighting only on one side of lengthy areas of road. Construction vehicles will also create additional problems on this route.
- The access road to the proposed development is very close to the local school, Ysgol Bryn Garth, and any increase in vehicular activity will increase the risk of an accident.
- The village of Penyffordd only has one shop providing the needs for local residents and the facilities in the village are insufficient to provide basic requirements for a further 27 homes.

Highway Development Control Manager

Recommend that any permission includes conditions in respect of the siting, design, of site access, construction details of estate road and the submission of a Construction Traffic Management Plan, Travel Plan and Transport implementation Strategy (TIS).

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

Confirm that sufficient capacity exists within the existing public sewer network to accommodate foul water only. Recommend that a comprehensive drainage scheme is submitted.

Capital Projects & Planning Manager

Advises that as there is sufficient capacity at the nearest primary school (Ysgol Bryn Garth) and Secondary School (Ysgol Trefynnnon). Do not therefore request commuted sum payment(s).

Council Ecologist

The potential for protected species to be present on the site is limited, although the hedgerows and scrub have value as a nesting habitat and connectivity to the wider landscape. No objection subject to the imposition of a condition, to ensure no site clearance is undertaken until there has been submitted and approved a scheme for tree/hedgerow protection and reasonable avoidance measures for any protected species that may be present.

Natural Resources of Wales

Given the location and nature of development which is approximately 800 m away from the Dee Estuary Special Area of Conservation (SAC)/Special Protection area (SPA) and Ramsar, it is unlikely that it will affect any protected species provided that water quality is not affected. In addition the site lies outside of the extreme flood risk outline (flooding from rivers and sea). It will however be necessary to ensure that the surface water from the site can be acceptably managed.

Public Open Spaces Manager

Request the payment of £733 per dwelling in lieu of on-site recreational provision. The monies would be used to enhance toddler play facilities at the children's play area at Bryn Garth, Penyffordd.

Housing Strategy Manager

In terms of evidence of the need for affordable housing, advises:-

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units.
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between social rented (56.2%) and intermediate (43.8%) tenures.
- There is a demand for both affordable/social rent in the area with
 - 26 applicants registered for social rent and 1 for affordable rent for 1 bed properties.
 - 41 applicants registered for social rent and 2 for affordable rent for 2 bed properties.
 - 19 applicants registered for social rent and 3 for affordable rent for 3 bed properties.

In view of the above, advises that the proposed affordable housing provision within the application would be acceptable and is supported.

Technical Services (Drainage)

No objection subject to the imposition of a condition to ensure the provision of an integrated drainage system.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

4 No. letters of objection received, the main points of which can be summarised as follows:-

- Limited infrastructure to support the proposed development.
- Inadequate access.
- More suitable brownfield sites are available for development.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy GEN3 – Development in the Open Countryside.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG1 (41) – New Housing Development Proposals.

Policy HSG4 – New Dwellings Outside Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas.

Policy EWP17 – Flood Risk.

Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Planning Policy Wales (PPW)

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 12 – Design.

Technical Advice Note 15 – Development & Flood Risk.

Technical Advice Note 18 – Transport.
Local Planning Guidance Note 2 – Space About Dwellings.
Local Planning Guidance Note 3 – Landscaping.
Local Planning Guidance Note 4 – Tees & Development.
Local Planning Guidance Note 8 – Nature Conservation & Development.
Local Planning Guidance Note 9 – Affordable Housing.
Local Planning Guidance Note 13 – Open Space Contributions.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of 27 No. dwellings with associated gardens and parking on land at Llys Dewi, Penyffordd, Holywell.

7.02 Site Description

The application site amounts to approximately 0.9 hectares of existing agricultural land which is located to the south of existing properties fronting onto Rhewl Fawr Road and north/west of existing development at Llys Dewi.

7.03 The site slopes gently from the south west to north east. Running east to west within the site is a mature line of trees and sections of hedgerow.

7.04 Proposed Development

The plans submitted as part of this application propose the erection of a total of 27 No. dwellings comprising a mix of 2/3 bedroom houses and 1/2 bedroom apartments which are intended to meet affordable housing needs.

7.05 Vehicular access to serve the development is proposed from an existing road Maes Emlyn, the internal estate layout resulting in the proposed dwellings running parallel with the form of existing development fronting onto Rhewl Fawr Road and Llys Dewi.

7.06 It is proposed that the dwellings be constructed having facing brick external walls with concrete tile roofs.

7.07 It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy framework.
- Proposed scale of development/house types/site layout.
- Adequacy of existing highways and access arrangements to serve the scale of development proposed.
- Adequacy of foul/surface water drainage.

- Impact on the privacy/amenity of residents in proximity to the site.
- Leisure/Educational Requirements.
- Impact on ecology/trees.
- Affordable Housing.

7.08 Principle of Development

For Members information, the northern part of the site which amounts to approximately 0.5 hectares in area is located within the settlement boundary of Penyffordd in the Flintshire Unitary Development Plan. It is allocated for residential development by virtue of Policy HSG1 (41).

7.09 The remainder of the site, 0.4 hectares is located outside but adjacent to the settlement boundary and therefore regard to Policy HSG11 of the Flintshire Unitary Development Plan which allows for small scale rural exception schemes adjoining rural settlements is necessary. It is my view that this part of the site although not allocated for development, would form a logical extension to the settlement boundary facilitating a satisfactory means of access to the allocated part of the site, which can in my view be supported as it would (a) provide for a co-ordinated approach to development and would (b) help to deliver an affordable housing scheme meeting local housing need and a contribution to the Council's five year housing land supply.

7.10 Scale/House Types/Site Layout

As part of the site is an allocated housing site and in accordance with Policy HSG8 of the Flintshire Unitary Development Plan, it would be expected to achieve a minimum density of 30 dwellings per hectare.

7.11 The proposed site area amounts to approximately 0.90 hectares in total and therefore the erection of 27 dwellings would represent an acceptable scale of development both in line with policy HSG8 and having regard to the character of the site and existing development adjacent to its boundaries.

7.12 In addition the introduction of 2 storey dwellings would be reflective of this existing character, the layout representing the form of development in proximity to the site and subject to control over the use of materials, it is my view that development would be acceptable and can be supported.

7.13 Adequacy of Access

Whilst the objections to the development on highway grounds are duly noted, consultation on the aspect of the development has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site and acceptability of the proposed site layout.

7.14 As a result it is acknowledged that whilst the parking provision is below the maximum referenced in Local Planning Guidance Note 11,

that there is a minimum provision of 1 space per 2 bed property and 2 spaces per 3 bed. In order to reduce reliance on private car usage and encourage the use of sustainable transport, it is therefore considered that a travel plan would be required in the event of planning permission being granted.

- 7.15 In addition and notwithstanding the above requirement, a technical assessment of the acceptability of the proposed access/site layout to serve the development has been undertaken with there being no objection subject to the imposition of conditions as outlined in paragraph 2.00 of this report.
- 7.16 Adequacy of Foul/Surface Drainage
The adequacy of the drainage to serve the proposed development has been the subject of consultation with Natural Resources Wales (NRW) Dwr Cymru/Welsh Water and the Council's Technical Services Department (Drainage).
- 7.17 For Members information the site is located within Flood Zone A but it has been confirmed by NRW that the site lies outside of the extreme flood risk outline (risk from rivers and sea). Whilst there is no objection to the development from NRW's perspective, attention has been drawn to the need to ensure that potential surface water flooding can be mitigated.
- 7.18 As a result and as highlighted consultation on the application has been undertaken with the Council's Technical Services Department who raise no objection to the principle of development, subject to the imposition of a condition to ensure the provision of an integrated drainage scheme for the site.
- 7.19 Impact on Privacy/Amenity
Of particular importance in consideration of this application, is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. The proposed layout takes into account the relationship of the site to existing development, particularly at Rhewl Fawr Road and Llys Dewi, where these dwellings are closest to the application site and ensures that the separation distances would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.
- 7.20 Leisure/Educational Requirements
Members will be aware that applications of this type are the subject of consultation with the Public Open Spaces Manager (Leisure Services) and the Capital Projects and Planning Unit with the Local Education Authority.
- 7.21 The consultation has established that:-

- a) As there would be no on-site recreational provision the development would require the payment of a commuted sum of £733 per dwelling the monies used to enhance toddler play provision at the children's play area at Bryn Garth, Penyffordd.
 - b) That given that there is adequate capacity at Ysgol Bryn Garth (Primary) and Ysgol Trefynnnon (Secondary) that an educational contribution(s) would not be required.
- 7.22 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.23 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 122 tests;
 - 1. be necessary to make the development acceptable in planning terms;
 - 2. be directly related to the development; and
 - 3. be fairly and reasonably related in scale and kind to the development.
- 7.24 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 7.25 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into at Penyffordd, Holywell and am satisfied that on application of the tests set out above the leisure contribution would satisfy these requirements.
- 7.26 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities. Accordingly, it is proposed that a condition in respect of the above is imposed such that no development is permitted to commence until a scheme to address this issue is submitted and

agreed.

7.27 Impact on Ecology/Tree/Hedgerows

Although not a protected ecological site, an ecological report (Phase 1 Habitat Survey) has been submitted as part of the application on which consultation has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist. The application site is located within approximately 800m from the Dee Estuary SAC/SPA/Ramsar. Notwithstanding the above both NRW and the Council's Ecologist recommend that imposition of a condition to ensure no site clearance is undertaken until there has been submitted appropriate conditions to safeguard/enhance trees and hedgerows on the site which are important from a habitat/connectivity perspective with Reasonable Avoidance Measures (RAMs) to protect any protected species which may be present.

7.28 Affordable Housing

Whilst the site is owned by the Council, it is proposed to be developed to meet affordable housing need which must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.

7.29 It is therefore proposed to impose a condition to ensure that no development commences until a scheme detailing the precise means and method by which the affordability of these units will be retained in perpetuity is submitted to and agreed in writing by the Local Planning Authority. The proposal is therefore acceptable having regard to Policy HSG10 of the Flintshire Unitary Development Plan and LPGN9 – Affordable Housing.

8.00 CONCLUSION

8.01 In conclusion, it is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings. There is no objection from the Highway Development Control Manger, Natural Resources Wales, Dwr Cymru/Welsh Water or the Council's Technical Drainage Department.

8.02 Accordingly, I recommend that planning permission be granted subject to the imposition of conditions within paragraph 2.01 of this report.

8.03 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.

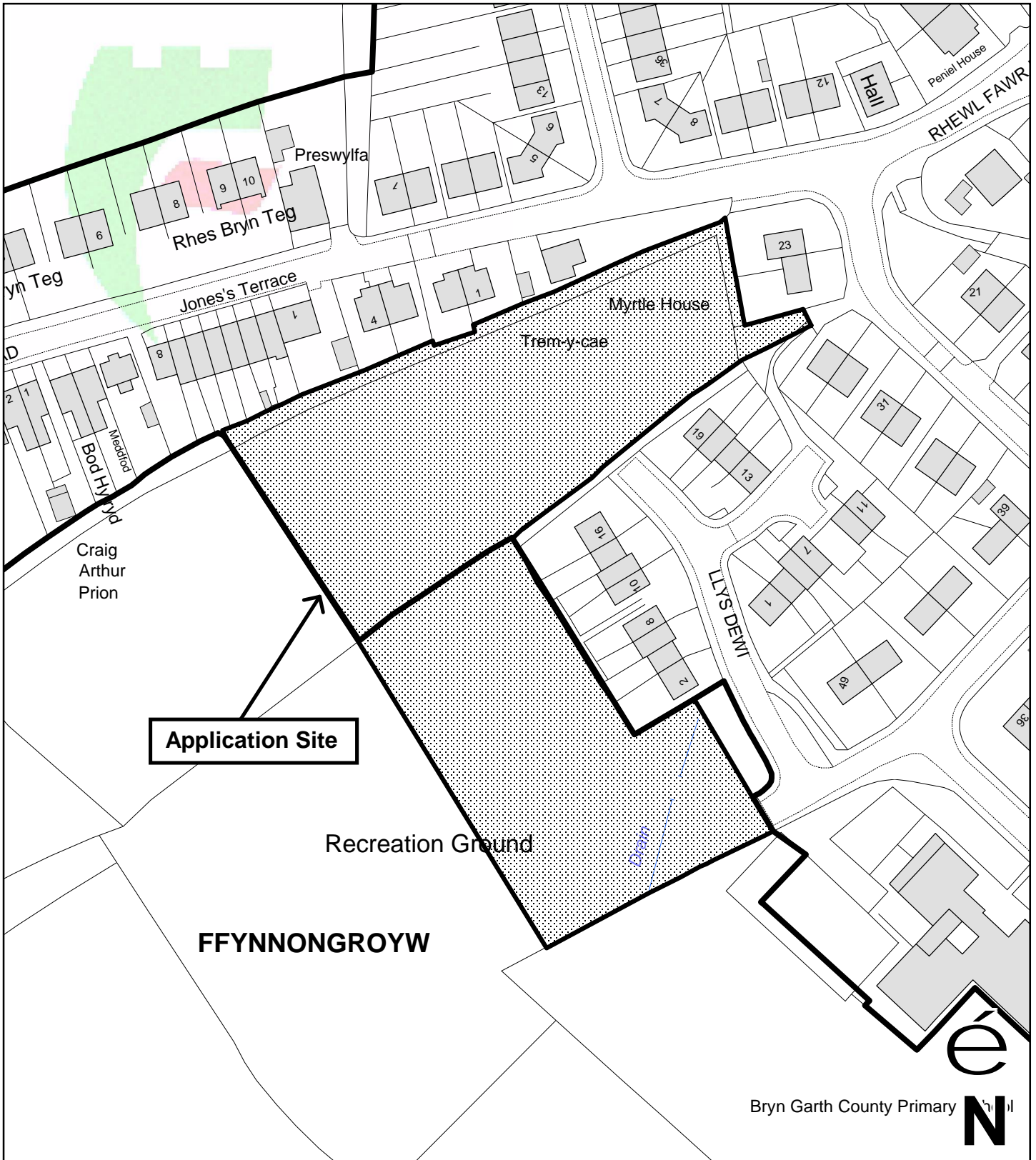
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Robert Mark Harris
Telephone: (01352) 703269
Email: Robert.mark.harris@flintshire.gov.uk

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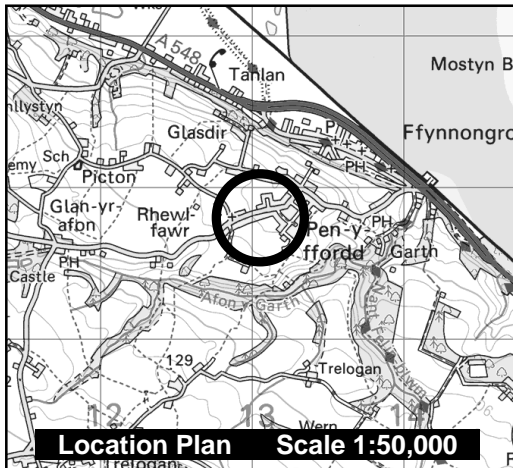


Application Site

Recreation Ground

FFYNNONGROYW

Bryn Garth County Primary School





Location Plan Scale 1:50,000



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1381

Planning Application **57971**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25TH APRIL 2018**

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

SUBJECT: **CHANGE OF USE OF DWELLING TO HOUSE IN
MULTIPLE OCCUPATION AT WELLFIELD FARM,
VILLAGE ROAD, NORTHOP HALL**

**APPLICATION
NUMBER:** **057919**

APPLICANT: **THE OWEN JONES CHARITY**

SITE: **WELLFIELD FARM, VILLAGE ROAD, NORTHOP
HALL, CH7 6HS**

**APPLICATION
VALID DATE:** **2ND JANUARY 2018**

LOCAL MEMBERS: **CLLR SHARPS**

**TOWN/COMMUNITY
COUNCIL:** **NORTHOP HALL COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **CONCERN REGARDING INADEQUATE
FACILITIES**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the change of use of a 3 bedroom dwelling house to a 4 bedroom house of multiple occupation. It is considered it is acceptable in policy terms and will not detrimentally affect the living conditions of neighbours in the locality or those of the future occupier.

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

- 2.01
1. Time limit on commencement
 2. In accordance with approved details
 3. Facilities shall be provided and retained within the site for the

- parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.
4. Maximum occupation to be 4 individuals.
 5. Scheme of bin and recycling storage to be agreed.

3.00 CONSULTATIONS

3.01 Local Member Councillor L A Sharps

Objects to the proposal due to the lack of both adequate facilities and the consultation between the applicant and social services.

Northop Hall Community Council

Does not object to the proposal but raises the following concerns:

- Proposal unsuitable for up to six people.
- Northop Hall does not have the required facilities.
- Lack of transport links
- No evidence that the Applicant has any experience in running such a facility
- No evidence such a facility is needed in the village
- Access to the building is on a busy road

Highways

No Objection subject to conditions

Head of Public Protection

Confirmed legal requirements which will be included as a note to any consent

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

6 letters have been received in objection to the proposal raising the following points:

- Proposal unsuitable for up to six people.
- Northop Hall does not have the required facilities.
- Lack of transport links
- No evidence that the Applicant has any experience in running such a facility
- No evidence such a facility is needed in the village
- Access to the building is on a busy road
- Increase in crime rates
- Drop in property values

5.00 SITE HISTORY

5.0 None Relevant.

6.00 PLANNING POLICIES

Flintshire Unitary Development Plan

STR1 – New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

AC18 - Parking Provision and New Development

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal seeks to convert an existing 3/4 bedroom residential property at Wellfield Farm, Village Road, Northop Hall to a 4 bedroom House of Multiple Occupation. There are no external changes proposed to the property. The internal changes include rearrangement of the internal rooms and use of a ground floor room, which appear to have served as a lounge area for a fourth bedroom.

7.02 Site

The site is within the settlement boundary of Northop Hall as shown in Flintshire's Unitary Development Plan.

7.03 The Principle of Development

The proposal is within the settlement boundary for Northop Hall and is for residential use of an existing dwelling. The principle of the proposal is therefore acceptable as it makes the most efficient and effective use of the existing housing stock in accordance with Policy STR4 and GEN 2 of FUDP.

7.04 Main Issues

The main issues are considered to be the impact of the development upon the character of the area with regard to living conditions for neighbours, future occupiers and parking.

7.05 **Impact on character and appearance with particular regard to conditions of neighbouring occupiers**

7.06 The lawful use of the property is a two storey detached dwelling which is typical of the area. As no external changes are proposed there would be no material change in the appearance of the building which would be harmful to the character of the area.

7.07 As there are no external changes to the existing dwelling house and the use of the downstairs room to be converted to a bedroom was a habitable rooms this change will not introduce any overlooking. The proposal will also retain amenity space to the rear for drying clothes

and storage. Also a large double garage will be retained.

- 7.08 The proposed use is a residential use which operates at a level of intensity only slightly increased to that which might reasonably be expected if it remained as a C3 dwelling house.
- 7.09 The proposal would not adversely affect the character of the area as it would physically harmonise with the site and surroundings as there will be no material change in its current appearance as a dwelling. It is therefore compliant with Policy GEN1. Furthermore, as there are no new windows proposed the overlooking of any neighbouring properties is unaltered. No greater increase in interface distances is created and no reduction in rear amenity space and so there is no impact on the character of the area with regard to the living conditions of neighbours.
- 7.10 Living conditions of future occupiers
The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there are currently no planning guidance on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers. The proposal retains a kitchen/dinner and a lounge which provides shared amenity space. The smallest bedroom is on the first floor and is 6.5m² which is acceptable in terms of housing standards where there is shared amenity space.
- 7.11 As the applicant has not advanced a limit on level of occupation in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. All the bedrooms proposed are of a reasonable size to accommodate a single occupant.
- 7.12 Impact on the highway
There is a concern that the increased residential use of the HMO, would lead to an increase in the parking requirements above what would reasonably expected of a private dwelling. At a recent appeal for a HMO in Buckley, the Inspector noted that:
- 7.13 "The appellant has, however, estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it nonetheless provides an evidenced indication of the likely traffic generation of an HMO."
- 7.14 If the same rationale is applied to this application then there would be a requirement for 1.6 car parking spaces. The existing parking provision is provided for by the driveway which can accommodate in excess of 1.6 cars off-street. I recommend that a condition is imposed to ensure that the parking provision is provided and maintained on

site.

8.00 **Other Concerns**

A number of concerns have been raised in relation to the needs of the future occupants of the HMO. The proposal will be run by the Owen Jones Charity and it is their intention to use the property to house people who would otherwise be made homeless. They have confirmed that there will be no onsite care other than the pastoral advice provided by member of the charity. It is therefore considered that the proposal falls within the use class C4 as a HMO.

- 8.01 Objections raised in terms of the lack of the applicants experience in running the HMO or a potential drop in property prices are not material considerations to be given weight in the planning balance. The objection regarding potential increase in crime has not been evidenced in any way and therefore this matter would attract very little weight in the overall planning balance.

9.00 **CONCLUSION**

I consider that the proposal is in accordance with the relevant development plan policies, and having considered the objections received and all other matters I recommend that the application is approved.

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.

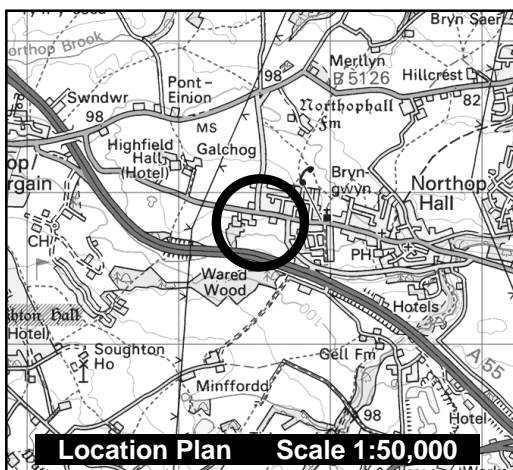
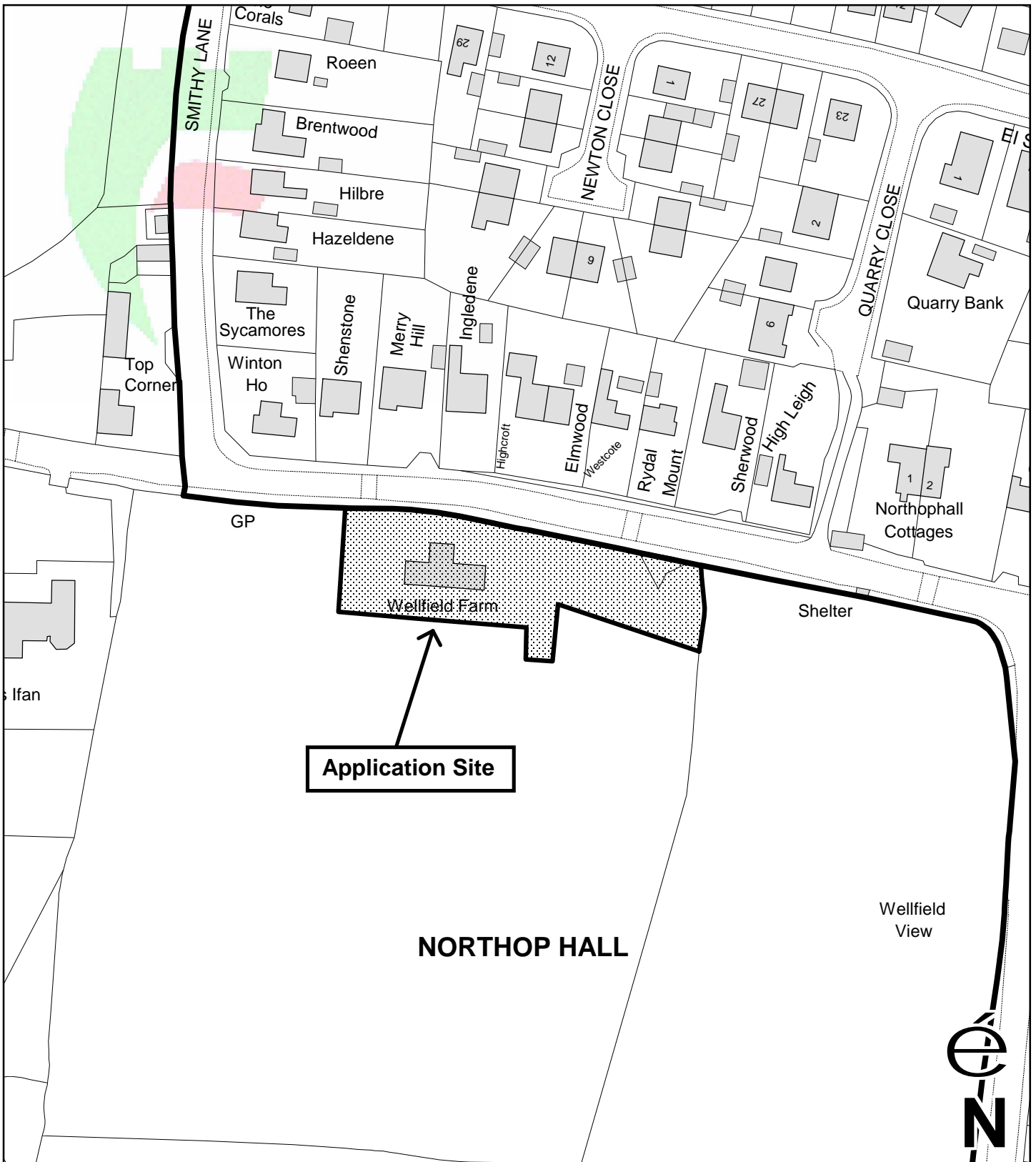
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents


National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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Telephone: 01352 703266
Email: Daniel.mcvey@flintshire.gov.uk



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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OS Map ref	SJ 2667
Planning Application	57919

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25TH APRIL 2018**

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

SUBJECT: **CHANGE OF USE AND EXTENTION TO
DWELLING TO FORM HOUSE IN MULTIPLE
OCCUPATION AT 46 GLADSTONE ROAD,
BROUGHTON**

**APPLICATION
NUMBER:** **058024**

APPLICANT: **MR C WALSH**

SITE: **46 GLADSTONE ROAD, BROUGHTON**

**APPLICATION
VALID DATE:** **31ST JANUARY 2018**

LOCAL MEMBER: **CLLR B MULLIN**

**TOWN/COMMUNITY
COUNCIL:** **BROUGHTON AND BRETTON COMMUNITY
COUNCIL**

**REASON FOR
COMMITTEE:** **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the change of use of a 3 bedroom dwelling house to a 7 bedroom house of multiple occupation. In order to provide 4 of the proposed new bedrooms, a two storey side extension is proposed. It is considered the proposal is acceptable in policy terms and will not detrimentally affect the living conditions of neighbours in the locality or those of the future occupier.

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

- 2.01
1. Time limit on commencement
 2. In accordance with approved details

3. The scheme to extend the existing vehicular footway crossing serving the property to provide access to the additional parking facilities shall be completed prior to the property being brought into use as a HMO.

4. Maximum occupancy to be 7 individuals

5. Scheme for bin and recycling storage to be agreed

3.00 CONSULTATIONS

3.01 Local Member – Cllr B Mullins
Concerns regarding parking provision and amenity

Broughton and Bretton Community Council
Objects to the proposal on the following grounds:

- Inadequate Parking
- No access for emergency vehicles
- Limited room for recycling and water
- Limited access for recycling vehicles
- Concerns for parents with children using the access road

Highways Development Management
No objection subject to conditions

Public Protection
No Objection

Airbus
No Objection

4.00 PUBLICITY

4.01 Neighbour Notification
29 Letters of objection have been received raising the following concerns:

- Inadequate Parking
- Site is directly opposite a junction
- Proposed use is out of keeping with the area
- Impact on drainage network
- No access for emergency vehicles
- Limited room for recycling and water
- Limited access for recycling vehicles
- Concerns for parents with children using the access road
- Concerns regarding construction
- No access to the rear garden
- Unneighbourly development
- Setting a precedent

- Noise pollution
- Business use
- Potential anti-social behaviour
- Potential vermin and health hazard

5.00 SITE HISTORY

5.01 None Relevant

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 Policy STR1 – New Development
 Policy STR8 – Built Environment
 Policy GEN1 – General Requirements for Development
 Policy D1 – Design Quality, Location and Layout
 Policy D2 – Design
 Policy HSG12 – House Extension and Alternations
 Policy AC18 Parking Provision and New Development.

National Planning Policy
 Planning Policy Wales 9
 Technical Advice Note 12 Design

Supplementary Planning Guidance Notes
 SPGN No. 1 Extensions and Alterations to Dwellings
 SPGN No. 2 Space Around Dwellings
 SPGN No. 11 Parking Standards

7.00 PLANNING APPRAISAL

7.01 Proposal
 The proposal seeks to convert an existing 3 bedroom residential property at 46 Gladstone Road, Broughton to a 7 bedroom House of Multiple Occupation. The proposal includes a two-storey side extension to provide 4 of the new bedrooms along with en-suite bathrooms. The internal changes involve rearrangement of the rooms and use of one ground floor room, which served as a sitting room, as a bedroom.

Site
 7.02 The site is within the settlement boundary of Broughton as shown in Flintshire's Unitary Development Plan.

7.03 The Principle of Development
 The proposal is within the settlement boundary for Broughton and is for residential use of an existing dwelling. The principle of the

proposal is therefore acceptable as it makes the most efficient and effective use of the existing housing stock in accordance with Policy STR4 and GEN 2 of FUDP.

7.04 Main Issues

The main issues are considered to be the impact of the development upon the character of the area with regard to living conditions for neighbours, future occupiers and parking provision. The lawful use of the property is a two storey semi-detached dwelling which is typical of the area.

7.05 Design

The proposal includes a two storey side extension in the same design as the existing property. Both the front elevation and ridge line of the proposed extension have been stepped down to reduce the overall mass. The proposal will also retain amenity space to the rear for drying clothes and storage. In design terms the proposed extension aspect of the proposal is considered acceptable.

7.06 The proposal would not adversely affect the character of the area as it would physically harmonise with the site and surroundings as there would be no material change in its current appearance as a dwelling. It is therefore compliant with Policy GEN1 where there are no new windows proposed which would cause any detrimental overlooking to any neighbouring properties.

7.07 Concerns have been raised in relation to the distance which would be created between his existing windows in the neighbouring property and the proposed extension. At present the windows of the adjacent dwelling looks out onto gable end of the application site and its parking/garden area and in its current form is substantially less than the interface distance of 12m recommended between blank gable walls and habitable room windows. This is an unusual arrangement which this is not a common practice with present day developments with only secondary windows usually now found on side elevation i.e. bathrooms and hallways etc. The proposed extension would still result in a flank wall being presented to the neighbouring. Whilst the proposed extension may reduce the outlook from the neighbouring windows, this is not considered to be materially more harmful than the current arrangement and would not outweigh in the planning balance the positive attributes of the proposal.

7.07 It is considered that the proposal would have a negligible effect of the main, useable area of the garden lying towards the rear of the neighbouring dwelling. Overall the proposed extension would not cause any greater harm to the occupier's reasonable enjoyment of the rooms in the neighbouring property than is already created by the existing arrangement. Therefore the proposal complies with the third principle of Policy HSG12 as it would not have an unacceptable impact on people living nearby.

7.08 Living conditions of future occupiers

The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there are currently no planning guidance on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers. There is a large lounge/dinner, and kitchen which provides shared amenity space. As the applicant has not advanced a limit on level of occupation in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. All the bedrooms proposed are of a reasonable size to accommodate a single occupant. The proposed use is a residential use which operates at a higher level of intensity to that which might reasonably be expected if it remained as a C3 dwelling house.

7.09 Impact on the highway

There is a concern that the increased residential use of the HMO, would lead to an increase in the parking requirements above what would reasonably expected of a private dwelling. At a recent appeal for a HMO in Buckley, the Inspector noted that :

7.10 "The appellant has, however, estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it provides an evidenced indication of the likely traffic generation of an HMO."

7.11 If the same rationale is applied to this application then there would be a requirement for 2.8 car parking spaces. The proposed parking provision, submitted as an amended plan, shows the front of the property will accommodate 3 cars clear of the highway. Recommend that a condition is imposed to ensure that the parking provision is provided and maintained on site, in perpetuity.

8.00 **CONCLUSION**

I consider that the proposal is in accordance with the relevant development plan policies, and having considered the objections received and all other matters it is recommended that the application is approved subject to the conditions noted.

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.

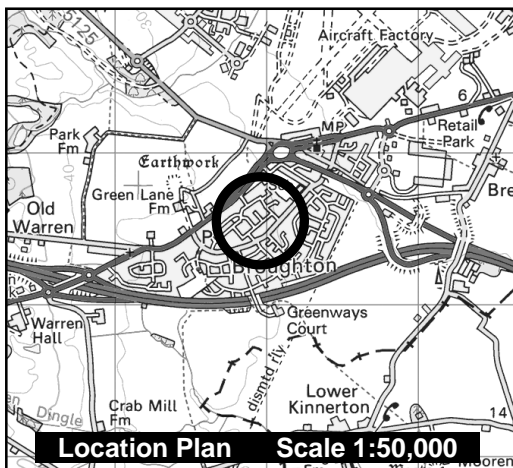
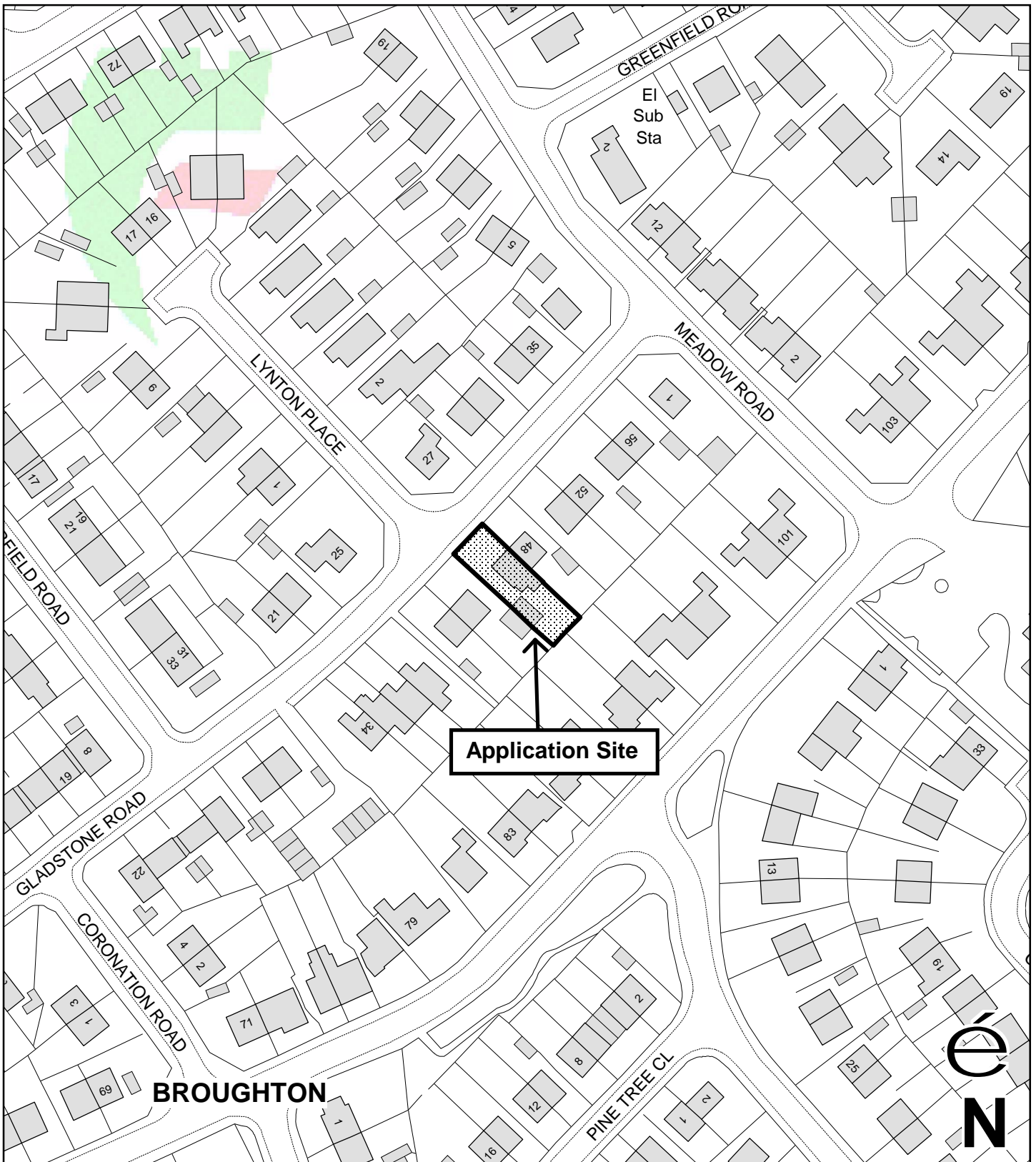
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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Email: Daniel.mcvey@flintshire.gov.uk



Planning, Environment & Economy,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **58024**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25TH APRIL 2018**

REPORT BY: **CHIEF OFFICER OF PLANNING,
ENVIRONMENT & ECONOMY**

SUBJECT: **APPEAL BY MR. GLYN JONES AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE PLANNING PERMISSION FOR THE
ERECTION OF ONE DWELLING AT SERENGETI,
GORSEDD, HOLYWELL – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 057109

2.00 APPLICANT

2.01 Mr. G. Jones

3.00 SITE

3.01 Serengeti, Gorsedd, Holywell.

4.00 APPLICATION VALID DATE

4.01 12.06.17

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision following refusal of planning permission for an outline application for the erection of one dwelling, with all matters reserved for later determination. The application site was for land adjacent to Serengeti, Gorsedd, Holywell CH8 8QY.

5.02 The application was refused by the Chief Officer under delegated powers on the 31.07.17. The appeal was dealt with by an exchange of written representations and was **DISMISSED**. The Inspector was Mr. I. Lloyd.

6.00 REPORT

- 6.01 The Inspector identified the main issue for consideration in this appeal to be whether there were other material considerations sufficient to outweigh any conflict with local and national planning policies.
- 6.02 The Inspector noted the location of the site within the settlement of Gorsedd and noted the policy context for residential development within Category C settlements within the UDP, such as Gorsedd, as set out in policy in HSG3 of the Flintshire Unitary Development Plan. He observed the relevance of Policy HSG3 to the appeal in so far as it was consistent in requiring new dwellings in Category C settlements to meet a proven local need.
- 6.03 The Inspector noted that the UDP plan period had expired. However, he noted that the sustainability principle remains, whilst noting the lack of a five year housing supply, the Inspector based his determination in respect of the sustainability of the proposal upon the policies within the UDP, and the national I policies within Planning Policy Wales.
- 6.04 The Inspector noted that the application had not been advanced upon the basis of meeting any proven local need and therefore the Inspector concluded that the proposal was contrary to local and national policies which seek to promote such development.
- 6.05 The list of other allowed appeals cited by the appellant on green field sites outside settlement boundaries, however he concluded that these are different to the considerations in this appeal based on location and settlement hierarchy and policy constraints.
- 6.06 The proposal fails to accord with the development plan and national planning policies in providing a local housing need dwelling. In this case the proposal would not provide the other social benefits of sustainable development by improving access to secure affordable housing as one of the wellbeing objectives or provide cohesive and well connected communities.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the material considerations in favour of the proposal do not outweigh the policy consideration. The considerable weight to the lack of housing land supply does not outweigh because the proposal does not accord with the development plan and national planning policies. The presumption in favour of sustainable development does not apply having regard to the key principles and key policy objectives of sustainable development and as such considered that the other material considerations were insufficient to outweigh the conflict with local and national planning policies, the Inspector concluded that the appeal be

DISMISSED.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

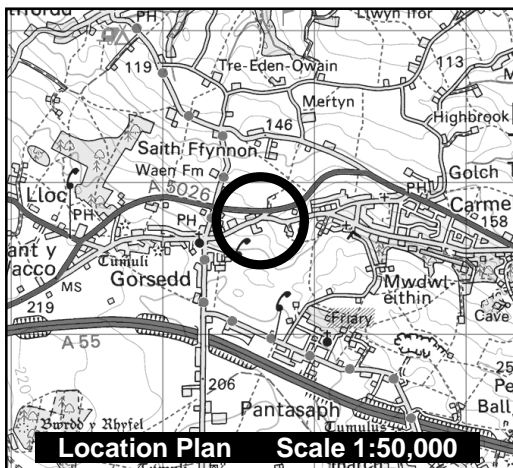
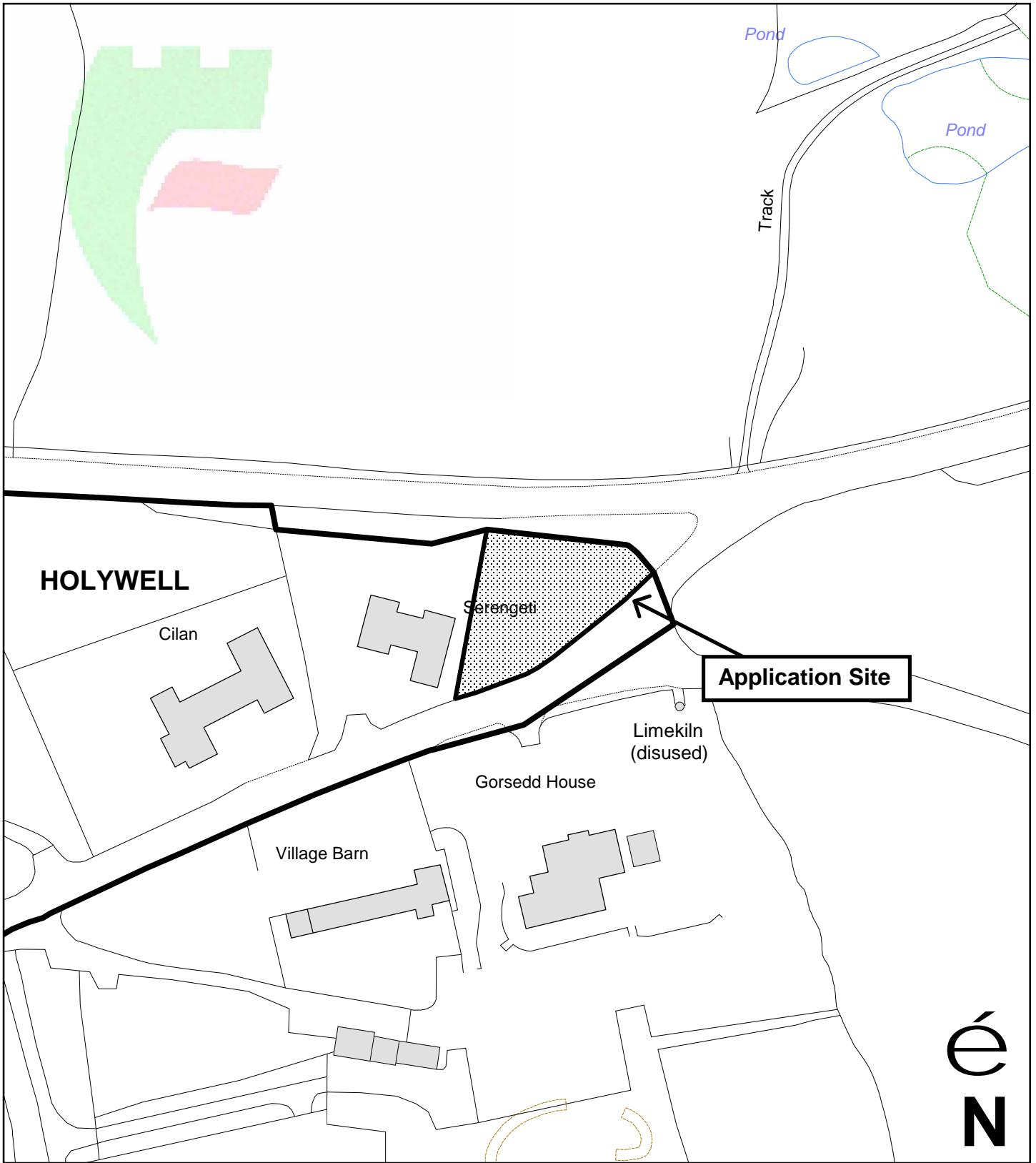
Responses to Publicity

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Planning & Environment,
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Mold, Flintshire, CH7 6NF.
Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **57109**

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