

Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Mike Allport, Bernie Attridge,
Chris Bithell, Derek Butler, Ian Dunbar,
Veronica Gay, Gladys Healey, Patrick Heesom,
Kevin Hughes, Paul Johnson, Christine Jones,
Richard Jones, Richard Lloyd, Mike Peers,
Neville Phillips and Owen Thomas

26 November 2020

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

**NOTICE OF REMOTE MEETING
PLANNING COMMITTEE
WEDNESDAY, 2ND DECEMBER, 2020 at 1.00 PM**

Yours sincerely

Robert Robins
Democratic Services Manager

Please note: Due to the current restrictions on travel and the requirement for physical distancing this meeting will not be held at its usual location. This will be a remote meeting and 'attendance' will be restricted to Planning Committee Members . The meeting will be recorded.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345

Virtual Planning Committee Meeting - Public Participation

Members of the public, objectors to or supporters of applications will not be able to address the remote Committee. Their views will be sought in advance of the meeting and their statements included within this Committee report pack.

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 3 - 8)

To confirm as a correct record the minutes of the meeting on 28 October 2020.

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 & ECONOMY) TO PLANNING COMMITTEE ON 2 DECEMBER 2020

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	061572	061572 - A - Full application - Development of 56 dwellings including new roadway, parking areas, landscaping and drainage connections including formation of swale at land to the rear of 66a Mold Road, Mynydd Isa (Pages 9 - 38)
6.2	059396	059396 - R - Full Application - Erection of 80 Dwellings, Convenience Store and Associated Development at Coppy Farm, Cilcain Road, Gwernaffield. (Pages 39 - 80)
Item No	File Reference	DESCRIPTION
<u>General Matters</u>		
6.3		General Matters - Variation of S106 agreement at Croes Atti, Flint (Pages 81 - 86)
6.4	061720	061720 - General Matters - Full application - Sun Room & garage extension with bedroom extension above at 7 Pinewood Road, Drury (Pages 87 - 104)

PLANNING COMMITTEE
28 OCTOBER 2020

Minutes of the remote meeting of the Planning Committee of Flintshire County Council held on Wednesday, 28 October 2020.

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Derek Butler, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Kevin Hughes, Paul Johnson, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips and Owen Thomas

ALSO PRESENT: Councillors: Marion Bateman, Dave Hughes and Brian Lloyd (As observers)

IN ATTENDANCE:

Chief Officer (Planning, Environment & Economy); Development Manager; Service Manager - Strategy; Legal Services Manager, Planning Officers; Senior Engineer - Highways Development Control; and Democratic Services Officers

01. DECLARATIONS OF INTEREST

Councillor Mike Peers declared a personal and prejudicial interest on agenda item 6.5 (061154) as a family member was employed by Clwyd Alyn (the joint applicant).

02. LATE OBSERVATIONS

The Chairman explained that the late observations had been circulated to Members of the Committee prior to the meeting, a copy of which was appended to the agenda on the Flintshire County Council website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4852&Ver=4&LLL=0>

03. MINUTES

The draft minutes of the meeting on 30 September 2020 were confirmed as a correct record, as moved by Councillor Chris Bithell and seconded by Councillor Ian Dunbar.

RESOLVED:

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

04. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that the following item was recommended for deferral to enable planning officers to consider a copy of the legal opinion submitted by objectors to the application which had been recently circulated. If the Committee agreed to the deferral, the item would be brought back to a future meeting of the Committee.

Agenda Item 6.9 (061489) - Full application – Retrospective change of use for operating site as B1, B2 and B8 uses for a temporary period of 18 months comprising the recycling and storage of non-hazardous carpet waste and retention of existing buildings for offices and manufacturing including ancillary storage at 300 Recycling, Deva Industrial Estate, Sandycroft.

Councillor Richard Lloyd moved the deferral which was duly seconded by Councillor Kevin Hughes. On being put to the vote, the item was deferred.

RESOLVED:

That agenda item 6.9 (061489) be deferred to a future meeting of the Committee for the reason stated.

05. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)

RESOLVED:

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

06. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press or public present.

(The meeting started at 1.00 pm and ended at 5.09 pm)

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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 28 OCTOBER 2020

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
060220	Argoed Community Council	Full Application – Residential development for the erection of 92 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at New Brighton Road, New Brighton, Mold.	A statement of objection from the Local Member, Councillor Mared Eastwood, was appended to the report in the agenda. A statement of objection from the Local Residents Group was appended to the report in the agenda.	That planning permission be refused in accordance with the officer's recommendation for the reasons set out in the report.
060855	Buckley Town Council	Reserved matters - application for the approval of reserved matters for residential development including access, open space, and all associated works at Woodside Cottages, Bank Lane, Drury	Councillor Mike Peers, as Local Member, spoke on the application.	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.
061229	Cilcain Community Council	Full application - Demolition of Conservatory to front of bungalow and erection of Single Storey Front Extension at Marwin, Dolfechlas Road, Rhydymwyn	Councillor Owen Thomas, as Local Member, spoke against the application. A statement of objection from Cilcain Community Council was appended to the report.	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
			A statement of objection from a local resident was appended to the report in the agenda.	
060372	Cilcain Community Council	Full application – siting of log cabin to provide ancillary use to the main residential dwelling and siting of a static caravan temporary 12 month period (retrospective) at Brynsholyn, Cefn Road, Cilcain	<p>Councillor Owen Thomas, as Local Member, spoke against the application.</p> <p>Cilcain Community Council objected to the application</p> <p>A statement of support from the agent for the application was appended to the report in the agenda</p>	<p>That planning permission be refused, against the officer’s recommendation, on the following grounds:</p> <ul style="list-style-type: none"> • inappropriate development in the open countryside; and • does not represent annexed accommodation
061154	Mold Town Council	Full application – Proposed residential development for 90 No. residential units of accommodation (of which 40% will be affordable and supported living), public open space, landscaping, means of highway and pedestrian access, local highway and pedestrian infrastructure improvements at Plas Aney, Ruthin Road, Mold	<p>A statement of objection from the Local Member, Councillor Geoff Collett, was appended to the report in the agenda.</p> <p>A statement of objection from Mold Town Council was appended to the report.</p> <p>A statement of objection from a local resident was appended to the report.</p>	That planning permission be refused in accordance with the officer’s recommendation for the reasons set out in the report.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
			A statement of support from a local resident was appended to the report.	
061248	Llanfynydd Community Council	Outline Application with all matters reserved for residential development consisting of 14 No. units with a mixture of 2 storey semi-detached and 3 storey detached dwellings at former Spectrum Home & Garden Centre, Wrexham Road, Cefn-y-Bedd .	<p>A statement of support from the agent for the application was appended to the report.</p> <p>A statement from the Local Member, Councillor Dave Hughes, was appended to the report.</p> <p>A statement of objection from a local resident was appended to the report.</p>	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.
061230	Holywell Town Council	Full application – residential development including 15 No. new housing units and the change of use/conversion of the former infirmary wing into 14 No. apartments at Llesty Hospital, Old Chester Road, Holywell.	<p>A statement of support from the Applicant was appended to the report.</p> <p>A statement of support from the Local Member, Councillor Paul Johnson, was appended to the report.</p>	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.
060783	Mostyn Community Council	Full application – residential development for 20 No. dwellings and associated gardens and car parking at Ffordd Pandarus, Maes Pennant, Mostyn.	Councillor Patrick Heesom, as Local Member, spoke against the application.	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
			<p>A statement of objection from Mostyn Community Council was appended to the report.</p> <p>A statement of objection from a local resident was appended to the report.</p> <p>A statement of support from a local resident was appended to the report.</p>	
61489	Queensferry Community Council	Full Application – retrospective change of use for operating site as B1, B2 and B8 uses for a temporary period of 18 months comprising the recycling and storage of non-hazardous carpet waste and retention of existing buildings for offices and manufacturing including ancillary storage at 300 Recycling, Units A-D, Deva Industrial Estate, Sandycroft, Deeside.	<p>A statement of support from the agent for the application was appended to the report.</p> <p>A statement of objection from local business was appended to the report.</p>	That the application be deferred to a future meeting of the Committee for the reason stated.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **2nd DECEMBER 2020**

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

SUBJECT: **FULL APPLICATION - DEVELOPMENT OF 56 DWELLINGS ON LAND TO REAR OF 66A MOLD ROAD, INCLUDING NEW ROADWAY, PARKING AREAS, LANDSCAPING AND DRAINAGE CONNECTIONS INCLUDING FORMATION OF SWALE.**

APPLICATION NUMBER: **061572**

APPLICANT: **CLWYD ALYN HOUSING LTD**

SITE: **LAND TO REAR OF 66A MOLD ROAD, MYNYDD ISA**

APPLICATION VALID DATE: **24TH JULY 2020**

LOCAL MEMBERS: **CLLR H MCGUILL**

TOWN/COMMUNITY COUNCIL: **ARGOED COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 Full application for residential development of 56 dwellings on land to rear of 66A Mold Road, Mynydd Isa including new roadway, parking areas, landscaping and drainage connections including formation of swale.

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

2.01 The conditional planning permission be granted subject to the

applicant entering into a Section 106 Obligation to provide the following:

- An undertaking to ensure that the affordable dwellings, at the tenures identified by the approved documents, remain affordable in perpetuity.
- Primary and Secondary school contributions in accordance with SPGN 23- Developer Contributions to Education
- Public Open Space commuted sums of £733.00 per dwelling, in lieu of on-site provision.

If the Obligation pursuant to S106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given the delegated authority to REFUSE the application.

Conditions

1. Time Limit
2. In accordance with Approved plans
3. Materials
4. Proposed and existing levels
5. Landscaping implementation
6. Arboricultural assessment Tree Protection Areas
7. Contaminated land survey and remediation scheme
8. Species/wildlife habitat conservation scheme
9. Site access details
10. Site access to be kerbed
11. Internal road details
12. Creation of access
13. Parking and turning
14. Highways surface water
15. Construction traffic management plan
16. Travel plan and Transport implementation strategy
17. Submission of drainage strategy

3.00 CONSULTATIONS

3.01 Local Member

Councillor H McGill

Refers to committee as it is a large development and will affect a major change on the area and the environment surrounding the site. Concerns about the site and the tree destruction and the traffic flow onto Mold Road.

Argoed Community Council

1. According to Flintshire's interactive map, there are at least 7 trees on this site which have the protection of a tree preservation order. However, there is insufficient provision for the retention of these trees in the plans submitted.

2. The proposed exit for this site is onto Mold Road at a place where the sight lines for exiting traffic are extremely poor and the Council remains concerned at the potential hazard this represents.

3. Mold Road also experiences heavy traffic, which will cause problems especially for those wishing to exit the site and turn right, or those travelling in the Buckley direction and wishing to turn right into the site. The Council would like consideration to be given to the installation of a mini roundabout or other traffic management solution to assist with the safety aspect of entering and exiting the site across the flow of traffic and also maintaining the flow of traffic.

Highway Development Management
Request conditions and advisory notes

Community and Business Protection
Requests contaminated land condition

Housing Strategy

The LHMA for Flintshire identifies an annual shortfall of 238 affordable units.

The assessment recommends a need for the following property types:

- 1/ 2 bedroom (45.6%)
- 3 bedroom (28.3%)
- 4+ bedroom (12%)
- Older persons stock (14.1%)

And this should be split between the following tenures:

- Social rented (30%),
- Intermediate rent (30%)
- Affordable ownership (40%)

General Needs Housing – social rent (SARTH waiting list as at 1-9-20)

	2 bed bungalow	1 bed flat	2 bed flat	2 bed house	3 bed house	3 bed adapted bungalow
Mold and Mynydd Isa	30	301	90	145	32	1

Housing Strategy Comments:
Affordable

Housing Partner: Clwyd Alyn

Preferred Mix of units:

24 x 2 bed houses

25 x 3 bed houses

2 x 2 bed bungalows
1 x 3 bed wheelchair accessible bungalow
4 x 1 bed flats
56 total

Mold and Mynydd Isa is an area of significant housing demand and the mix of units being proposed by Clwyd Alyn is acceptable.

Housing Strategy is fully supportive of this planning application. The dwellings will be made available for social rent and the scheme has been approved by the Welsh Government and allocated social housing grant funding.

Education

No response at time of writing

Aura

In accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per house/dwelling, in lieu of onsite POS.

The payment would be used to enhance Junior play provision at Wats Dyke Play Area.

Working with Planning Policy we have considered previous pooled contributions and we confirm that the pooled contributions thresholds have not been exceeded with regards to Wats Dyke Play Area .

Welsh Water/Dwr Cymru

Advise that the proposed development site is crossed by 100mm diameter public foul gravity sewer and a 150mm diameter public surface water gravity sewer and outfall, as well as a 25mm clean public watermain. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No operational development will be permitted within 3 metres either side of the centreline of the sewers.

Requests foul water drainage condition

Natural Resources Wales

Requests condition requiring a Site wide species/habitat Conservation Plan, and advisory notes.

CPAT

Confirm that the proposed development site to the rear of 66a Mold Road, Mynydd Isa was evaluated for archaeology back in 2010 in relation to an earlier application (048042) which concluded there would be no archaeological impact. Although the site boundary has been slightly amended, the archaeological impact is still considered to be low.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

7 letters of objection received

- Inadequate access to development
- Loss of important trees from site
- Loss of privacy/Impact of new dwellings on amenity
- Noise and air pollution arising from development
- Cramped layout
- Land contaminated and should not be disturbed
- Great Crested Newts on site
- Highways impact upon Rose Lane from construction traffic
- Possible providing an excess of affordable housing which would mean houses going to non-local people
- Lack of market housing not compliant with HSG9 and HSG10 and creation of socially inclusive and diverse communities.

5.00 SITE HISTORY

5.01 48042- Outline - demolition of 'Sunnyside' and 66A Mold Road and the erection of 58no. houses including details of access, appearance, layout and scale- Refused 10th September 2013
Allowed on appeal 16th October 2015

058932- Application for approval of Landscaping reserved matter following outline approval 048042- Approved 6th December 2018

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 – New Development.
STR4 – Housing.
STR7 – Natural Environment.
GEN1 – General Requirements for Development.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
TWH1 – Development Affecting Trees & Woodlands.
TWH2 – Protection of Hedgerows.
WB1 – Species Protection.
HE7 – Other Sites of Lesser Archaeological Significance.
AC13 – Access & Traffic Impact.
HSG1 (32) – New Housing Development Proposals.
HSG8 – Density of Development.
HSG9 – Housing Mix & Type.
HSG10 – Affordable Housing Within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Dwellings.
EWP12 – Pollution.
EWP14 – Derelict & Contaminated Land.

7.00 PLANNING APPRAISAL

7.01 Proposal

This application is for the erection of 56 no. affordable dwelling units including a new roadway, parking areas, landscaping and drainage connections including formation of a swale.

7.02 Site

The site is located to the south of the properties 58 – 66 Mold Road, west of Rose Lane and east of Clwyd Avenue, all of which are located on the southern side of Mold Road, Mynydd Isa. The site is allocated for housing development in the Flintshire Unitary Development Plan HSG1 (32) – Rose Lane, Mynydd Isa.

7.03 The site is unused and overgrown and is measured at 2.06 hectare in area, it comprises unmanaged grassland fields, mature hedgerows, marshy grassland and swamp habitat with a pond located just off site at the southeast corner. There is a derelict dwelling located on the eastern portion of the site.

7.04 The topography of the site slopes approximately 6.0m from west to southeast with a pronounced slope generally running down the centre of the site. The base of the slope on the eastern part of the site marks the western edge of a natural deep infilled alluvial valley.

7.05 The site is bounded on the west by properties on Rose Lane, a mixture of two storey dwellings and bungalows, and bungalows on Overdale Road and Clwyd Avenue to the east of the site. The site frontage is onto Mold Road A549, which has a mix of semi and detached two storey dwellings.

7.06 Principle

The Site is located within the settlement boundary for Mynydd Isa in the Flintshire Unitary Development Plan which is a Category 'B' settlement with an array of facilities and services and the sites allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles of sustainable development embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site.

7.07 Planning history

A previous application, reference number 048042, for 58 houses and applied for in outline although considering all matters other than Landscaping, was refused by the Planning Committee on the 10th September 2013 on the following grounds:

- 7.08 1. The Council considers the proposals as submitted do not provide for 30% affordable housing within the scheme, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy HSG10 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 9 'Affordable Housing'.
- 7.09 2. The proposed development would be likely to result in an increase in the volume of traffic which is likely to include the conflict in traffic movements close to existing junctions to the detriment of highway safety and contrary to Policy GEN1 and Policy AC13 of the Flintshire Unitary Development Plan.
- 7.10 3. The Council considers the proposals as submitted do not make adequate provision for public open space, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy GEN1 and Policy SR5 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements'.
- 7.11 4. The Council considers that the shortfall in the maximum parking standards of the development has not been justified resulting in inadequate parking provision and thereby detrimental to highway safety, contrary to Policy AC13 of the Flintshire Unitary Development Plan.
- 7.12 The scheme was subsequently allowed on appeal on the 16th October 2015. A reserved matters application for the landscaping of the site was approved on the 6th December 2018. As such the site has extant permission for 58 dwellings and previously raised issues have been considered acceptable by a Planning Inspector. This is a material consideration when considering the current proposal, as whilst the proposal currently before you differs from the approved scheme in many ways certain things, such as matters of principle and the access (reason for refusal number 2), are the same as that previously approved.

7.13 **Affordable dwellings and Housing Mix**

The current proposal has been submitted by Clwyd Alyn Housing Association and is an 100% affordable scheme. The scheme provides:

21no 2bed inverted dwellings 2 storey high,
3no 2 bed terrace dwellings 2 storeys high,
25no 3 bed dwellings 2 storeys high,

2no 2 bed bungalows
1no 3 bed wheelchair accessible bungalow
4no 1 bed walk up flats 2 storeys high

- 7.14 A third party has raised concerns over the number of affordable dwellings proposed and whether this exceeds local need. If this were to be the case then it may be that tenants would be brought in from outside areas to take up vacant units. As has been demonstrated by the SARTH figures provided by Housing Strategy for the Mold and Mynydd Isa area there is a high demand for the types of dwellings proposed. This demand comes from the local area and the development will help to address this need significantly.
- 7.15 In accordance with policy HSG10 of the Flintshire Unitary Development Plan, where there is a demonstrable need for affordable housing to meet local needs the Council will take account of this as a material consideration when assessing the housing proposal. The scheme has been developed to meet Clwyd Alyn Affordable housing requirements as well as the needs of the SARTH waiting list. Housing strategy have given the scheme their support.
- 7.16 Concern has been raised that an affordable scheme of the size of the proposal does not meet the requirements of policy HSG9 in creating a mixed and socially inclusive community, as all of the units are affordable. It has been queried whether some of the units should be market housing in order to create a socially mixed development. This is, in my view, a misreading of the policy. The policy states that 'housing developments should provide an appropriate mix of dwelling size and type in order to create mixed and socially inclusive communities'. The development does provide a good mix of dwelling sizes and types, including bungalows, 1 bed flats, 2 and 3 bed dwellings and in that way can be said to meet the requirements of the policy. Whilst the tenure offered will be ones which meet the definition of affordable dwellings the proposal should be viewed in the context of the wider Mynydd Isa community. The majority of housing in the locality is owner occupier. As has been mentioned above there is a large demand for affordable dwellings of various types and sizes in this location. Para 4.2.32 of PPW10 does allow for 100% affordable housing schemes reflecting local circumstances. As such the proposal can be seen as being of great importance to creating a socially diverse and inclusive community in accordance with UDP policy HSG9 as well as with National policy.
- 7.17 **Design, Impact upon locality, and neighbouring amenity**
- The proposed layout features the spine road on a north-south axis bisecting the site. Dwellings are arranged in a linear fashion from this spine road, with a spur road on the southern corner of the site. This layout ensures that in most cases the proposed dwellings are rear

facing towards dwellings on Rose Lane, on the western half of the site, and towards Overdale Close and Clwyd Avenue on the eastern half of the site.

7.18 On the eastern portion of the site the area set aside for surface water drainage measures as well as informal, landscaped, public open space ensures that the proposed dwellings are set a significant distance from existing dwellings. On the western portion of the site the developer has ensured that the interface distances in every case meet the prescribed distances in SPGN 2 – Space around dwellings, taking into account a 1 metre difference in land level from the proposed dwellings to existing, namely 24 metres where the interface is rear elevation facing rear elevation and 14 metres where the interface is rear to flank wall.

7.19 The proposed garden area are acceptable in terms of area provided. In general they meet the suggested depth of 11 metres. Where this is not provided this is mitigated by adjacent neighbours having large rear gardens. In all cases the provided garden depths are acceptable.

7.20 In the vicinity of the site there are a mixture of housetypes, of various ages and designs. The dwellings on Rose lane are a mixture of early 20th century brick built semi detached properties, which is a style particularly characteristic of Buckley. There are also a number of detached mid 20th century bungalows, and later developments to the east of the site. External materials are generally brick with render. The designs chosen for the development are appropriate and ensure that the development compliments the character of the locality whilst ensuring that the development itself is attractive and appropriate.

7.21 I do not consider that the proposal would have an unacceptably detrimental impact upon neighbouring amenity, or otherwise cause overshadowing or impinge on privacy. The proposal accords with applicable Council guidance regarding interface distances, and as such it accords with the relevant development plan policies concerning issues of neighbouring amenity. The designs are appropriate for the locality and will create an attractive development.

Landscaping and Trees

7.22 The landscape proposal comprises a comprehensive mix of soft and hard landscaped areas throughout the site.

7.23 The hedgerow boundary to the site will be retained and enhance with new hedgerow planting where required. New secure by Design approved fencing along the West of the site in keeping with the surrounding housing is also proposed. This fencing will provide a consistent visual buffer between the site and existing housing in place of what is at present an ad hoc collection of different types of boundary treatment.

7.24 A new landscaped public open space will be provided along the East of the site with new trees and hedgerows. A pedestrian access will be located at the entrance to the site with hard and soft landscaping and a proposed pedestrian kissing gate and locked vehicular maintenance access gate.

7.25 The planting has been chosen to provide year-round interest and colour and will include evergreen and ornamental species. Landscaped buffer zones are provided to neighbouring buildings across the site in key areas

7.26 Existing trees have been retained on site, where this has been possible. The submitted Arboricultural assessment demonstrates that the majority of trees to be removed are of low quality. The scheme will, however, require the loss of 3 high quality specimens, all Oak trees, and 5 specimens of moderate quality, consisting of one Oak, three Ash and one sycamore. Policy TWH1 of the Unitary Development Plan states that 'where the removal of trees is considered acceptable, suitable replacements that are appropriate to the character of the area shall be established elsewhere within the site.' Within the landscaping scheme there is an extensive amount of new trees being planted within the open space area. The trees to be planted are native species including Alder, Whitebeam, Poplar, Birch, Walnut, Bird Chery and Rowan. This planting will establish itself and introduces an attractive facet of the development as well as aiding with the biodiversity of the site itself. I consider that the proposal is in accordance with policy TWH1.

7.27 Protection measures to be followed to ensure the safety of existing trees have been set out within the arboricultural assessment. A condition will ensure that these measures are followed throughout the phase of construction.

7.28 It is acknowledged that the loss of existing trees from the site, in particular good quality specimens, will have a significant effect upon the local landscape and this is a material consideration with regard to this proposed development. I consider that this has been accurately assessed and that, in the planning balance, the loss of trees is acceptable with regard to relevant policies, being both unavoidable due to the necessary site layout and with due regard to other development constraints on site, and proportionately mitigated against by the landscaping of the scheme.

Highways

7.29 The access for the development is created by the demolition of 66A Mold Road and the creation of a new vehicular access. This new access point is identical to that proposed on the previously approved

scheme. Highways Development Control are satisfied that this is an acceptable solution to ensure vehicular access to the site.

7.30 A construction traffic management plan is suggested as a condition, to ensure that the development phase causes as little disruption to the adjoining highways network as possible.

Pre commencement conditions suggested by the Highways Authority will ensure that the access meets highways requirements.

7.31 As the access arrangements are identical to those approved on the previous planning approval on site, and with the support of the

7.32 Highways Authority, I consider that the access arrangements are acceptable.

Drainage

7.33 DCWW advise that the proposed development site is crossed by a 100mm diameter public foul gravity sewer and a 150mm diameter public surface water sewer and outfall. Having reviewed the sewer record plan supplied, the only foul sewer that DCWW can be referring to is the one located in the alley off Rose Lane between Plots 1a and 1. There are no works planned in this area and access is to be maintained for the neighbouring properties on Mold Road. Also as it is the intention to demolish Plot 66A Mold Road as advanced works to provide access to the site it is assumed that this route will not be used for access to the development area during construction and therefore there is no risk to this sewer. There are no other foul sewers identified as crossing the site on the record.

7.34 Regarding the surface water sewer and outfall, there is a pipe entering the site from Clwyd Avenue and initial investigations have identified a connection very close to the site boundary. The sewer connects to a culverted watercourse and consultation with various parties during the design development has identified that none of the statutory bodies assume ownership responsibility for the watercourse. Therefore as riparian owner Clwyd Alyn will assume responsibility. The existing culverted watercourse is in a poor state of repair and as part of the proposed works the existing pipe will be repaired/replaced.

7.35 DCWW also advise that a 25mm clean public watermain crosses the proposed development however having reviewed the supplied asset record the main cannot be identified. The developer have been made aware of these concerns and have been careful to avoid interfering with any of DCWWs assets. Any work that will connect to public sewer or water systems will be subject to separate regulatory measures.

7.36 Having now reviewed the proposed foul drainage layout through the planning process DCWW are advising that the proposal to communicate the foul flows with the combined storm overflow is not permissible. They are now proposing that the communication with the

public sewer from the development should be at or downstream of manhole reference SJ25638801 which is located approximately 200m from the site. There are two combined sewers in Mold Road adjacent to the site entrance, a higher level carrier sewer and the lower level combined storm overflow. The initial proposals were to construct a pumped foul drainage system to communicate with the higher level sewer which would be adopted by DCWW. This was agreed following a modelling exercise carried out in 2015 to assess the impact discharge from the new development would have on the sewer. However, following further design, a feasible option was developed which could provide a gravity network which could connect onto the overflow sewer. The developer discussed this with DCWW and it was developed to avoid the need for an adoptable pumping station. Welsh Water's concern is that the velocity of the flow entering the larger 225mm diameter sewer may be reduced which could potentially result in sedimentary deposits forming in the pipe. The applicant has revisited the model and added the downstream length of 225mm diameter overflow sewer into the model up to the next chamber in Mold Road. The model details attached show that the gradient of the existing combined overflow sewer is 1 in 87.2 with a velocity of 1.23m/s. The minimum required velocity is 0.75m/s and therefore self-cleansing velocities can be maintained. The applicant will re-consult with DCWW to share their design review and seek their approval for the connection onto the overflow sewer. This regulatory system lies outside of the planning regime. I am satisfied that the drainage solution on site is acceptable.

Planning Obligations

7.37 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'.

7.38 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;

- 7.39 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.

7.40

As the development offers 100% Affordable housing, it would be appropriate to require an agreement to be entered into in order to retain the units as affordable dwellings in perpetuity.

7.41 The Legal agreement will need to address developer contributions to education and public open space.

Education contributions

7.42 In accordance with the advice contained within SPGN23- Developer Contributions to Education, and with regard to the limitations of Regulation 123 of the CIL Regulations, discussed above, the Local Education Authority advises whether or not contributions should be sought. The response of Education has not provided in time for the publication of this report. This information will be reported as a Late Observation.

Public Open Space

7.43 The development has a good amount of informal open space as part of the proposal, situated on the eastern portion of the site. It does not, however, provide an area of equipped play space. It should be noted that the site is in fairly close proximity to a number of play areas.

7.44 Leisure have confirmed that in accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution in lieu of onsite POS. In accordance with this guidance this would be £733.00 per affordable dwelling.

7.45 The payment would be used to enhance Junior play provision at Wats Dyke Play Area which they have confirmed have not been exceeded the pooled contributions thresholds. I am therefore satisfied that the request would be in accordance with Regulation 123 of the CIL regulations

Other matters

7.46 Clwyd Powys Archaeological Trust have confirmed that the development has little to no archaeological impact. This confirms the findings from the earlier planning application.

7.47 Checks carried out by the developer against the Definitive flood maps held by Natural Resources Wales indicate that the site is outside of the (Zone c) flood plain and that there is very low risk from flooding (less than 1 in 1000 each year) chance of occurring each year from rivers or from the sea.

7.48 The majority of the site is situated in Zone A, although there is a lower central areas of the site situated in Zone B. According to TAN15 Zone A is considered to be at little or no risk of fluvial or tidal / coastal flooding and there is no need to consider flood risk further. Zone B

indicates areas known to have been flooded in the past evidenced by sedimentary deposits. As a precautionary approach site levels in or close to this area have been checked against the extreme flood levels as part of the drainage strategy. Natural Resources Wales have raised no objection to the scheme or requested any conditions with regard to Flood Risk.

7.48

At the time of the original planning appeal on site, in 2015, the site ecology was appraised and considered acceptable, with the development having a low impact upon ecological assets. Natural resources Wales have been consulted on the current proposal and subject to the surveys of 2015, updated with further surveys from 2020, they have raised no objection to the proposal from an ecological point of view. They have requested a condition to provide a site wide Species/wildlife habitat conservation and management scheme as a pre commencement condition of any approval. I consider that the proposed condition is acceptable and have included this in my recommendation. Given the relatively low ecological impact of the proposal, and with the previous appeal decision in mind, I do not propose to request financial contributions through the legal agreement.

8.00 CONCLUSION

The development is acceptable in principle, being a housing allocation within the Flintshire Unitary Development plan. The scheme represents a residential development that meets an identified housing need and has been designed to mitigate any potential adverse impacts upon existing neighbouring residents. Many of the issues raised as objections have previously been considered by the Planning Inspector when they assessed the previous scheme, and found to be acceptable. Subject to the Planning obligations and conditions specified in paragraph 2.01 I recommend that the proposal 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

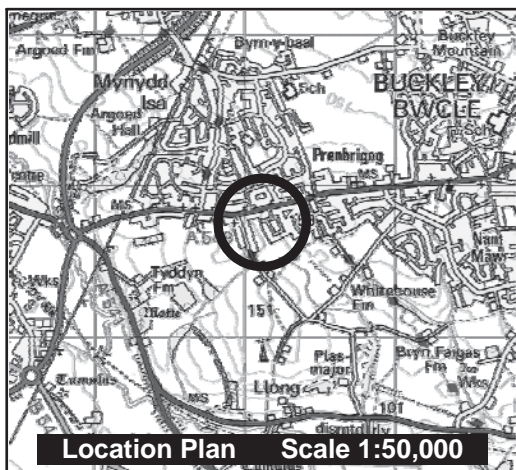
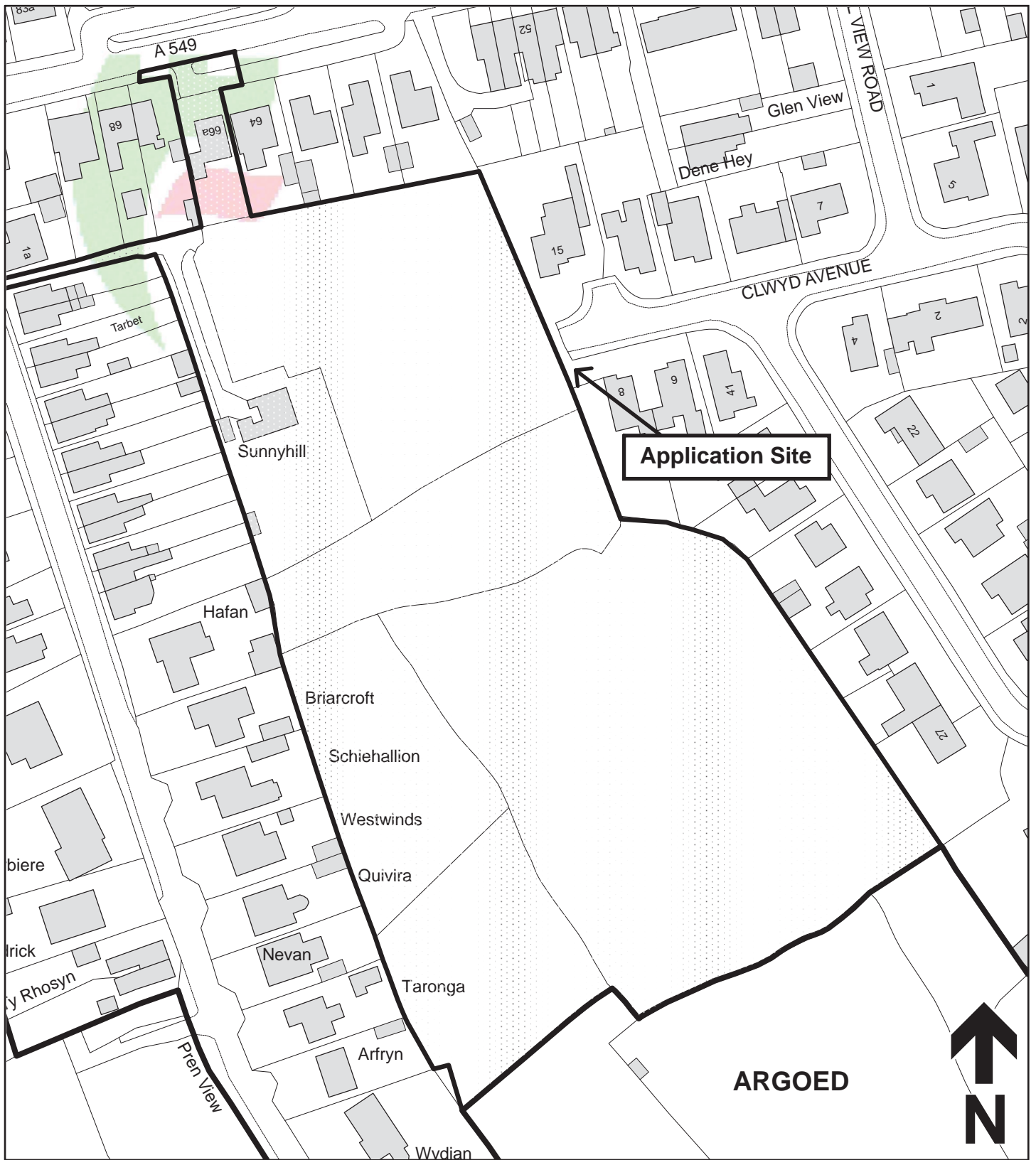
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: James Beattie

Telephone: 01352 703262

Email: james.beattie@flintshire.gov.uk

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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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Map Scale 1:1250

OS Map ref SJ 2663

Planning Application **61572**



1 Site Section_05
Scale: 1 : 200



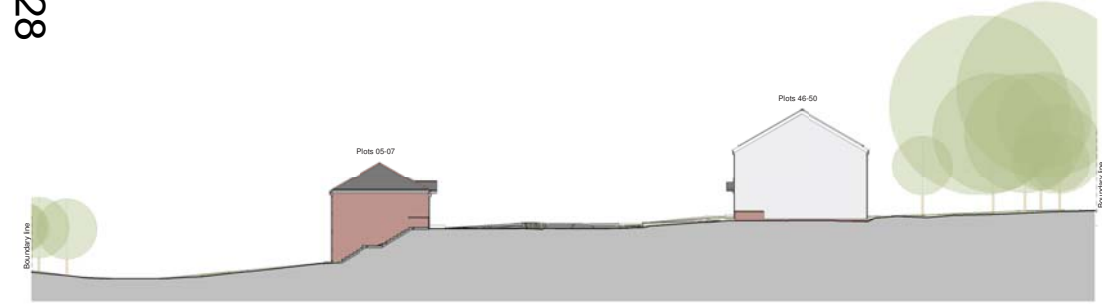
5 Site Plan as Proposed
Scale: 1 : 2000

0m 2m 4m 6m 8m A1
VISUAL SCALE 1:100 @ A1

Notes
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2 Site Section_06
Scale: 1 : 200



3 Site Section_07
Scale: 1 : 200



4 Site Section_08
Scale: 1 : 200

Page 28

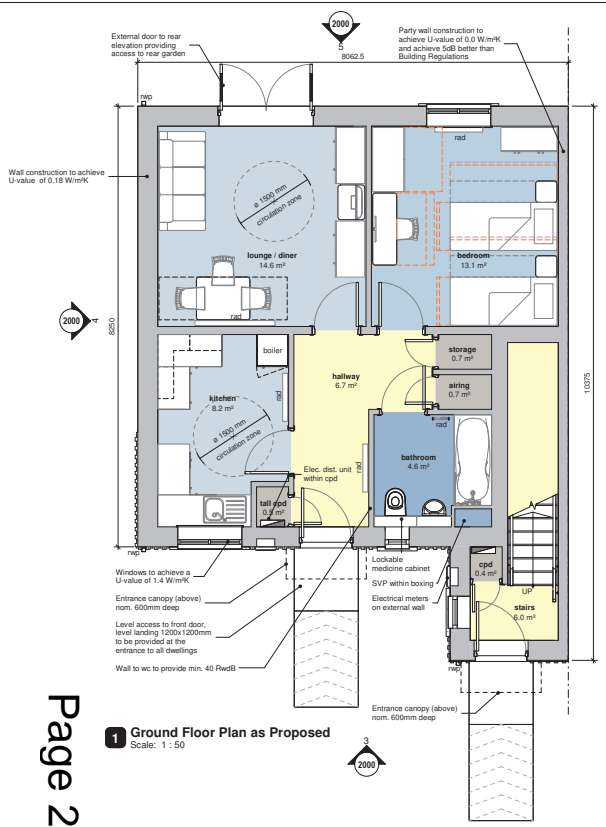
Rev.	Description	Drawn	Checked	Date
P01	Drawing issued for Pre-app consultation	AB	NM	13.02.20

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3 Stanley Street, Chester, CH1 2LS
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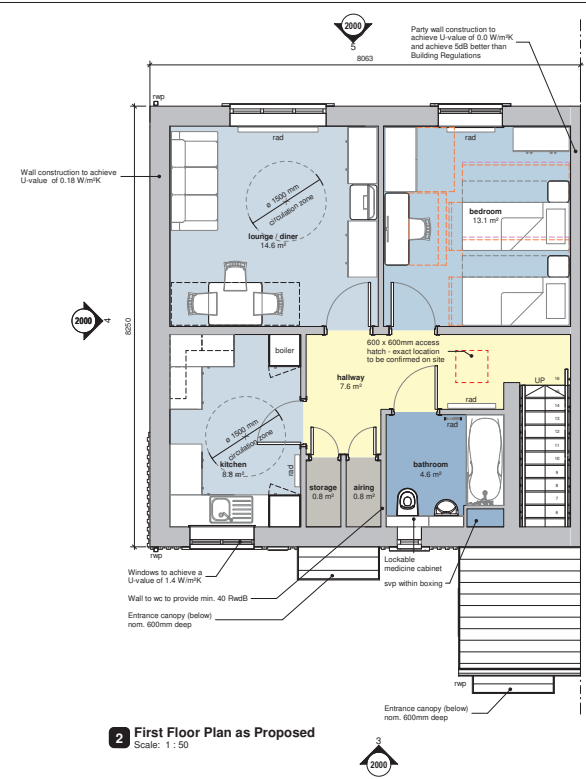
Project
Clwyd Alyn Housing
Mold Road, Mynydd Isa

Title
Site Sections as Proposed_02

LMA Project	Drawing number	Rev.
1567	PMI-LMA-XX-XX-DR-A-1005	P01



1 Ground Floor Plan as Proposed
Scale: 1 : 50



2 First Floor Plan as Proposed
Scale: 1 : 50



9 3D View Front Elevation
Scale:



10 3D View Rear Elevation
Scale:

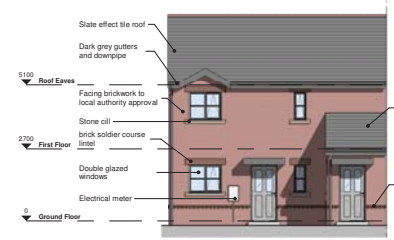
Notes
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1B2P - Gross Internal Area

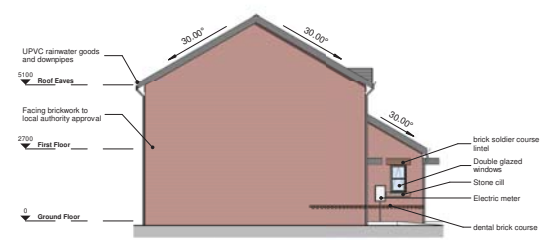
Name	Area
1B2P Walk-Up flat 01	51.56 m ²
1B2P Walk-Up flat 02	59.76 m ²
Grand total	111.32 m ²

1B2P Walk-up flat Room Schedule

Name	Area
First Floor	
airing	0.81 m ²
bathroom	4.62 m ²
bedroom	13.13 m ²
hallway	7.56 m ²
kitchen	8.82 m ²
lounge / diner	14.63 m ²
storage	0.81 m ²
Ground Floor	
airing	0.65 m ²
bathroom	4.62 m ²
bedroom	13.13 m ²
pod	0.36 m ²
hallway	6.72 m ²
kitchen	8.22 m ²
lounge / diner	14.63 m ²
stairs	6.03 m ²
storage	0.65 m ²
hall pod	0.45 m ²
Grand total	55.44 m ²
Grand total	105.83 m ²



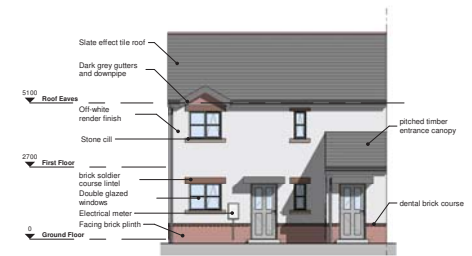
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Scale: 1 : 100



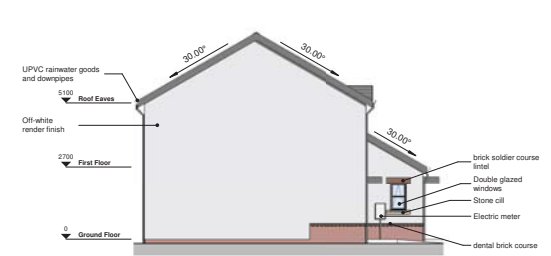
4 Side Elevation_Brick
Scale: 1 : 100



5 Rear Elevation_Brick
Scale: 1 : 100



6 Front Elevation_Render
Scale: 1 : 100



7 Side Elevation_Render
Scale: 1 : 100



8 Rear Elevation_Render
Scale: 1 : 100

Rev.	Revision description	Drawn	Checked	Date
P1	Drawing issued for planning	AB	NM	20.11.19

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Project
Pennaf Housing
Mold Road, Mynydd Isa

Title
1B2P Apartments - GA Floor Plans, Elevations and 3D View as Proposed

LMA Project	Drawing number	Rev.
1567	PMI-LMA-XX-XX-DR-A-2000	P1

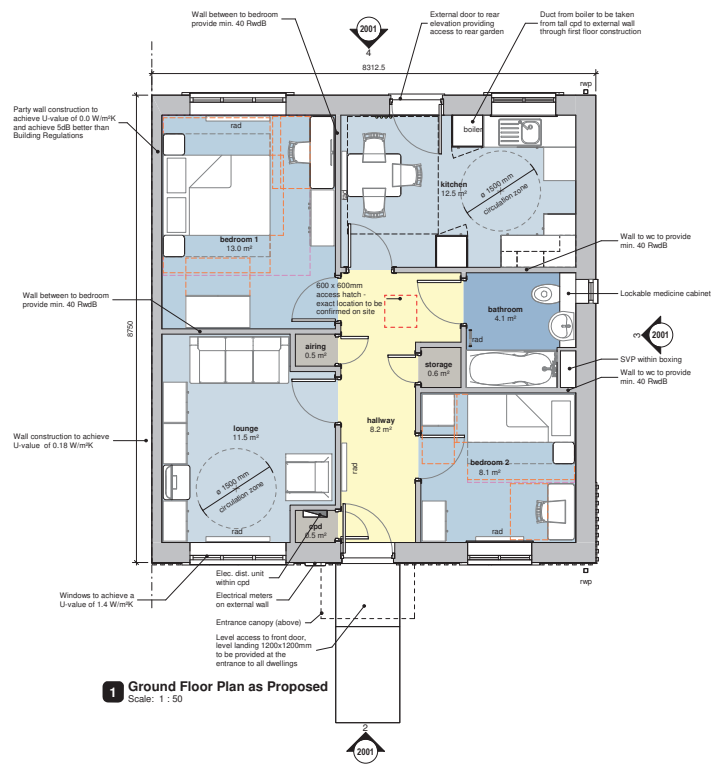
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3BSP Bungalow - Gross Internal Area

Name	Area
Gross internal area	113.31 m ²
Grand total	113.31 m ²

3BSP Bungalow Room Schedule

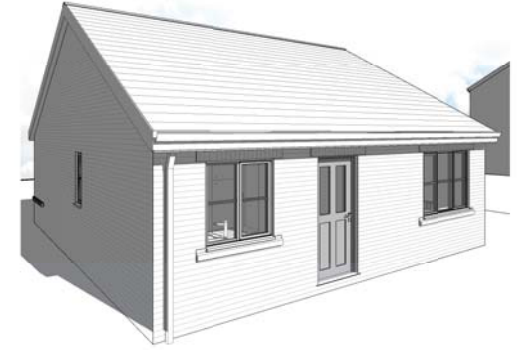
Name	Area
00 ground floor	
living	0.45 m ²
bathroom	4.15 m ²
bedroom 1	13.00 m ²
bedroom 2	8.12 m ²
cpd	0.45 m ²
hallway	8.18 m ²
kitchen	12.54 m ²
lounge	11.49 m ²
storage	0.56 m ²
Grand total	58.93 m ²



1 Ground Floor Plan as Proposed
 Scale: 1 : 50



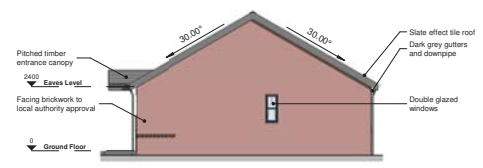
10 3D View_Front Elevation
 Scale:



11 3D View_Rear Elevation
 Scale:



2 Front Elevation_Brick
 Scale: 1 : 100



3 Side Elevation_Brick
 Scale: 1 : 100



4 Rear Elevation_Brick
 Scale: 1 : 100



6 Front Elevation_Render
 Scale: 1 : 100



7 Side Elevation_Render
 Scale: 1 : 100



8 Rear Elevation_Render
 Scale: 1 : 100

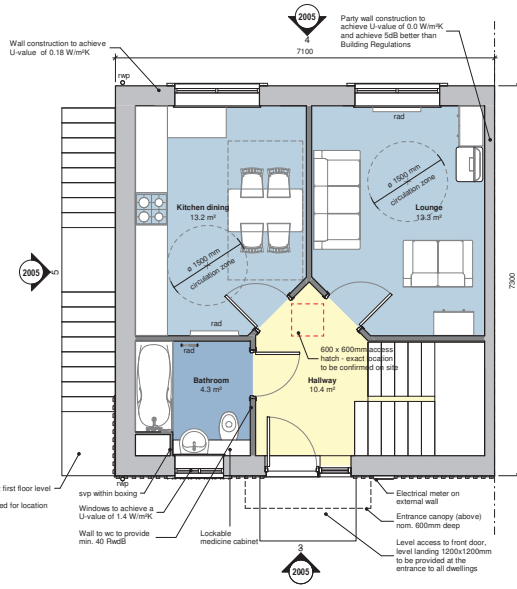
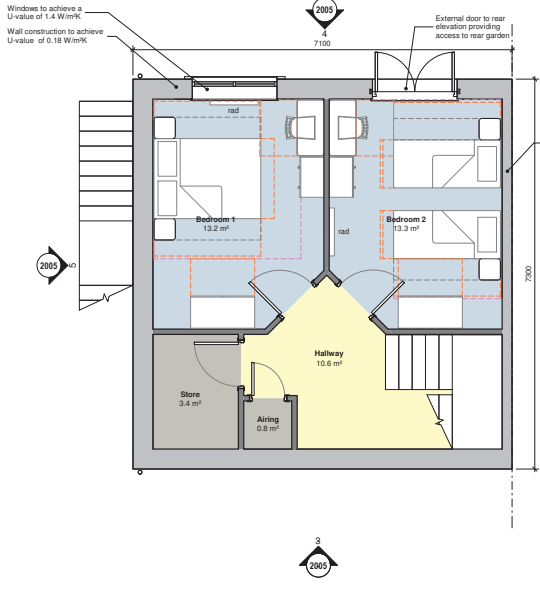
Rev.	Revision description	AB	NM	20/11/19
P1	Drawing issued for planning			
Rev.	Revision description	Drawn	Checked	Date

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Project:
Pennaf Housing
 Mold Road, Mynydd Isa

Title:
2B3P Bungalow - Floor Plans, Elevations and 3D Views as Proposed

LMA Project	Drawing number	Rev.
1567	PMI-LMA-XX-XX-DR-A-2001	P1



Notes
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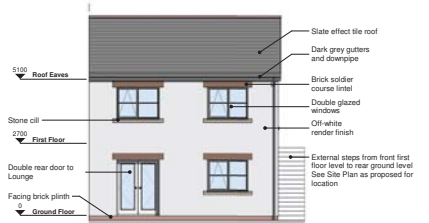
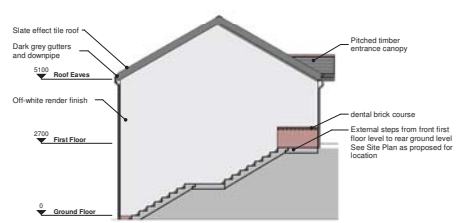
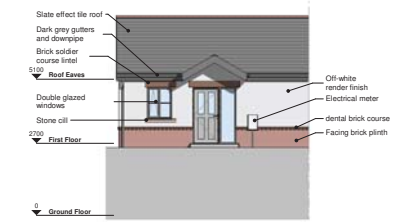
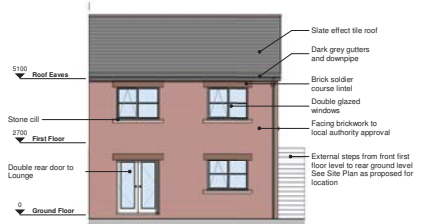
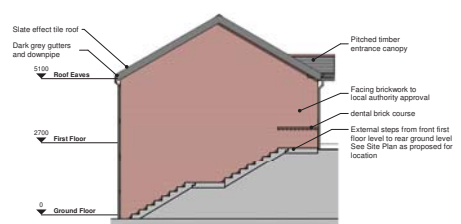
2B4P - Gross Internal Area

Level	Area
level 01	42.82 m ²
level 00	42.82 m ²
Grand total	85.64 m ²

2B4P House (Inverted) Room Schedule

Name	Area
level 01	
Bathroom	4.30 m ²
Hallway	10.42 m ²
Kitchen dining	13.17 m ²
Lounge	13.33 m ²
level 00	41.22 m ²
Airing	0.81 m ²
Bedroom 1	13.17 m ²
Bedroom 2	13.33 m ²
Hallway	10.61 m ²
Store	3.43 m ²
Grand total	82.57 m ²

Page 21



Rev	Description	Drawn	Checked	Date
P1	Drawing issued for planning	AB	NM	20/11/19

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Project
 Pennaf Housing
 Mold Road, Myrnydd Isa

Title
 2B4P House (Inverted) - Floor Plans, Elevations and 3D Views as Proposed

LMA Project	Drawing number	Rev.
1567	PMI-LMA-XX-XX-DR-A-2005	P1

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2B4P House - Gross Internal Area	
Level	Area
Ground Floor	43.31 m ²
First Floor	43.31 m ²
Grand total	86.63 m ²

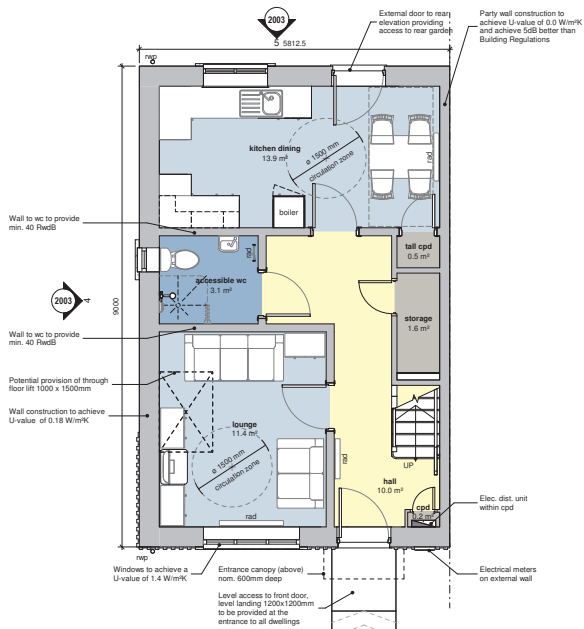
2B4P House Room Schedule	
Name	Area
Ground Floor	
accessible wc	3.05 m ²
cpd	0.17 m ²
hall	10.05 m ²
kitchen dining	13.91 m ²
lounge	11.41 m ²
storage	1.60 m ²
tall cpd	0.48 m ²
total cpd	40.62 m ²
First Floor	
bath	0.68 m ²
bathroom	4.41 m ²
bedroom 1	13.78 m ²
bedroom 2	15.75 m ²
hallway	7.12 m ²
bulkhead cpd	41.73 m ²
cpd	0.54 m ²
Grand total	62.99 m ²



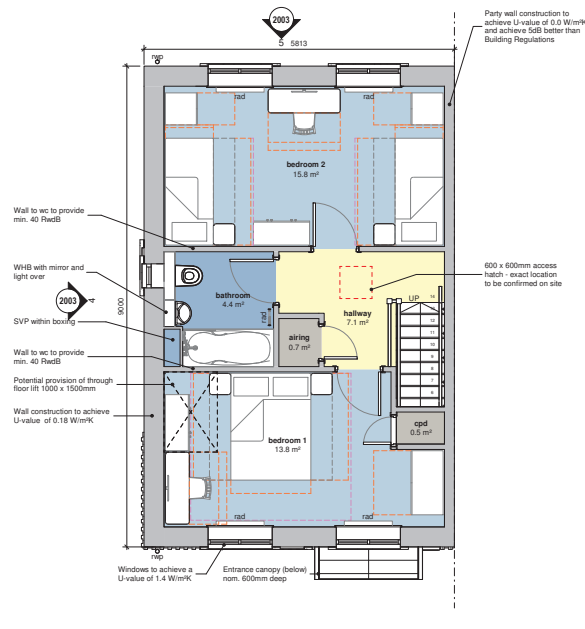
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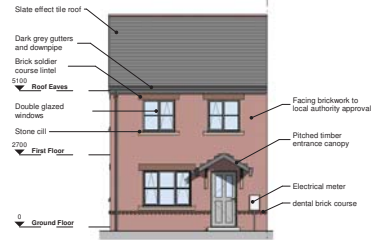
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Scale:



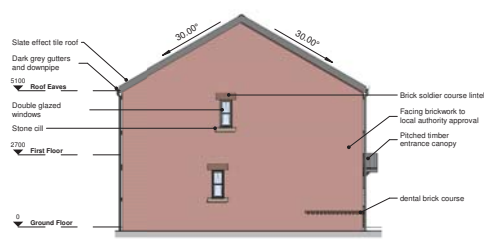
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Scale: 1 : 50



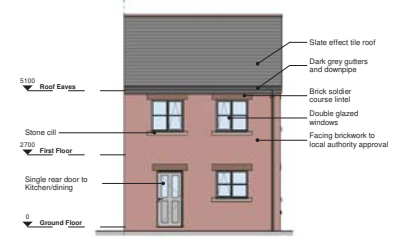
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Scale: 1 : 50



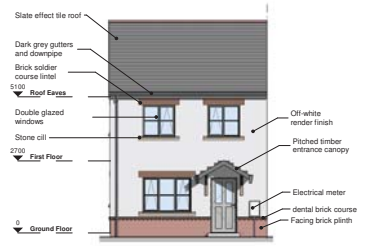
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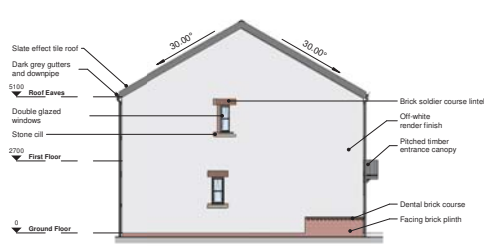
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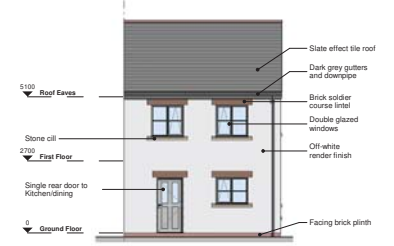
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6 Front Elevation_Render
Scale: 1 : 100



7 Side Elevation_Render
Scale: 1 : 100



8 Rear Elevation_Render
Scale: 1 : 100

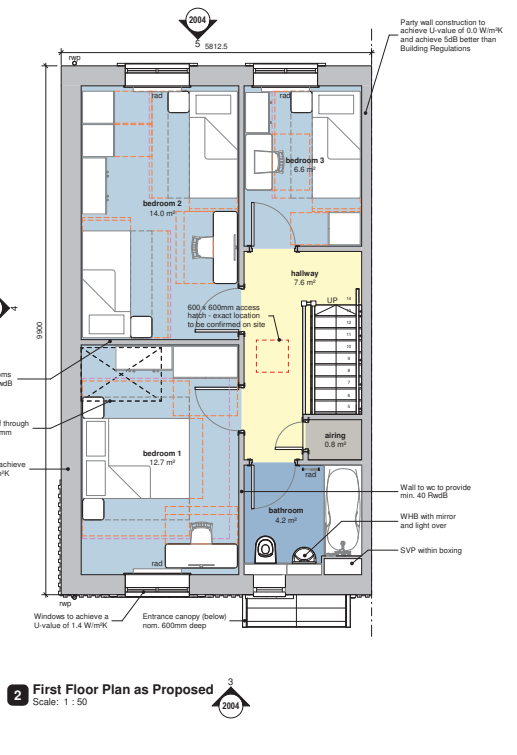
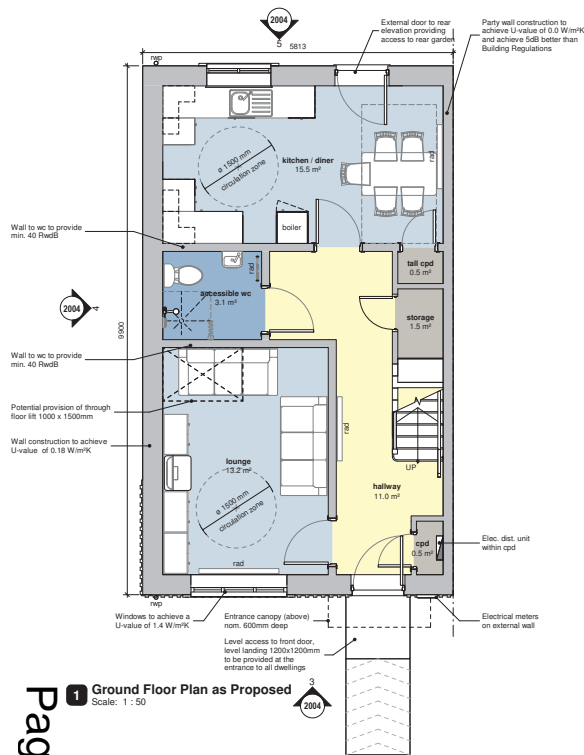
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P1	Drawing issued for planning	ZB	NM	20/11/19
Rev.	Revision description			Date

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Project
Pennaf Housing
 Mold Road, Mynydd Isa

Title
2B4P House - Floor Plans, Elevations and 3D Views as Proposed

LMA Project	Drawing number	Rev.
1567	PMI-LMA-XX-XX-DR-A-2003	P1



9 3D View_Front Elevation
 Scale:

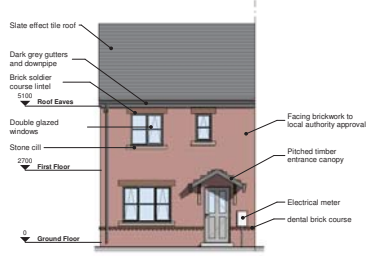


10 3D View_Rear Elevation
 Scale:

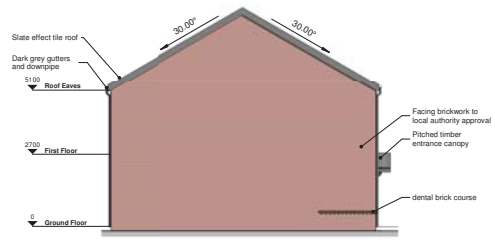
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3B5P House - Gross Internal Area	
Level	Area
Ground Floor	48.04 m ²
First Floor	48.04 m ²
Grand total	96.08 m ²

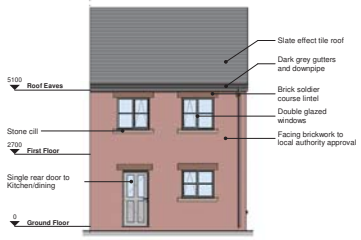
3B5P House Room Schedule	
Name	Area
Ground Floor	
accessible wc	3.05 m ²
boiler	0.50 m ²
hallway	10.99 m ²
kitchen / diner	15.49 m ²
lounge	13.18 m ²
storage	1.48 m ²
tall cpd	0.51 m ²
First Floor	
bathroom	4.25 m ²
bedroom 1	12.69 m ²
bedroom 2	14.01 m ²
bedroom 3	6.60 m ²
hallway	7.65 m ²
airing	0.76 m ²
Grand total	91.14 m ²



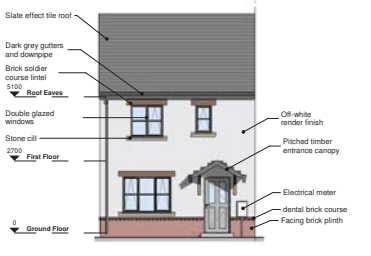
3 Front Elevation_Brick
 Scale: 1:100



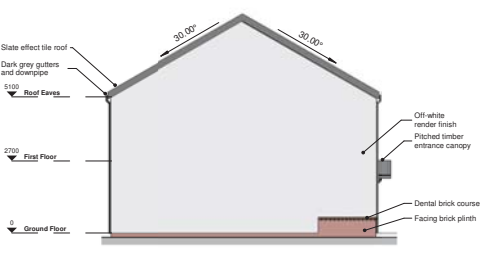
4 Side Elevation_Brick
 Scale: 1:100



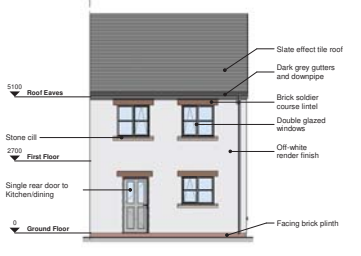
5 Rear Elevation_Brick
 Scale: 1:100



6 Front Elevation_Render
 Scale: 1:100



7 Side Elevation_Render
 Scale: 1:100



8 Rear Elevation_Render
 Scale: 1:100

P1	AB	NM	2011/10
Rev.	Revision description	Drawn	Checked

LoveLock Mitchell Architects
 3 Stanley Street, Chester, CH1 2LS
 Tel: +44 (0) 1244 604321
 e-mail: admin@loveLockmitchell.com
 web: www.loveLockmitchell.com

Statement from Local Ward Member

Dear members ,

The impact of this planning application as it stands unfairly impacts on a bungalow Schallion on Rose lane .They would be faced with a brick wall size 6meters long by over 6 meters high right on their boundary fence which is less than 10 meters from the rear of their dining room /conservatory ,not only will it take all the natural light they now have away from their room it will ,by way of its size and position mean the whole of the rear garden would be permanently overshadowed. It is possible for the architects to reposition these three homes by 90 degrees ,as was the original approval given to muller which WG approved ,without loss of number of housing units.

The piece of land has the benefit of some beautiful majestic mature trees which are going to be felled to make way for a road into the site. In this time when we are being encouraged to look after the planet it makes no sense to remove something so important to the planet!We do need the homes ,that has never been the issue here,it is the developers understanding that they can build new affordable homes without destroying the environment where you are building them .Please look closely at this ,it isn't about refusal,its about conditions you are able to place on the developer to ensure that the mature trees remain ,and the impact of a huge walled gable end doesn't happen ,the developer can turn that particular home so that it is a rear garden to rear garden scenario with little impact .If you had of been allowed to have visited the site in person you would have seen exactly what the impact would be if you allow this planning application to go through as it is, I ask you to look at the pictures taken so you can get some sort of impression of the site and the impact putting a gable end two storey wall right next to the property will have on the existing property.

Thank you for taking the time to look at and read through this statement.

Statement from Community Council

Dear Sirs,

We support the comments of the local Councillor entirely.

Yours faithfully,

Community Council

Statement from Agent

Clwyd Alyn purchased this site in November 2018 and since that time have been working with consultants to design a scheme that meets the needs of the Housing waiting lists and local community.

The project would provide 56 homes, with a mixture of houses and apartments supported by the Council's Housing Strategy Team and specified to address the needs of the local community. Mynydd Isa has not benefited from a new Affordable housing project for many years and there is an acute demand for a range of property types.

Clwyd Alyn is a committed member of Flintshire's Strategic Housing Partnership which is accountable for the delivery of Flintshire's Local Housing Strategy. One of the key objectives of the current Local Housing Strategy is to increase the supply of affordable housing which this project supports. This project will also deliver high quality, energy efficient homes, ensuring they are affordable to rent.

The homes will meet the Welsh Government's high standards in terms of space and habitability and also embed Clwyd Alyn's high quality specification of materials and components ensuring its long life and appearance remains into the future.

Designs have evolved taking into account the need for homes in this area and the particular constraints and opportunities the site has offered.

There is an opportunity with this proposal to seize investment for the area and for Flintshire to access Welsh Government money for the benefit of the community and delivering more housing solutions, something which is being driven at the highest national level.

Statement from Local Resident - Objector

Application no. 061572

Development land rear of 66A Mold Road, Mynydd Isa, Mold, CH7 6TD

Objector

We have for a long time been aware that the land behind our bungalow would eventually be built on, and have accepted this. However, these plans have quite frankly astounded us!

We live on Rose Lane and the plans show a block of 3 houses the gable end of which is on our boundary. **How is this equitable, when no other properties will be affected in this way.** The plans show the apparently recommended distance between these houses and our property, of 14m. However the measurement of 14m actually extends to within our living space (conservatory which we use as living/dining room). This as I am sure you can imagine will significantly impact on our **privacy and light** as we will be looking at a 2 storey brick wall! In turn this will certainly impact on our quality of life.

Clwyd Alyn Housing assured that they would work with the residents to produce a plan that would be acceptable to all. I see that this plan maybe acceptable to some as they have bungalows or gardens backing onto their properties, but it is certainly not acceptable to us! Muller Property Development originally submitted similar plans with a house gable end on our boundary and when we objected to this FCC supported us.

Regards

Statement from Local Resident - Supporter

Ref.No. 061572

Development of Land rear of 66a, Mold Road, Mynydd Isa, Mold. CH7 6TD

Rose Lane residents

By supporting the proposal we hope that all concerns / suggestions previously submitted be seriously considered.

A successful development in the best interests of all concerned could be achieved by

- a) constructing bungalows on the higher ground, storey housing in the dip
- b) reducing the number of dwellings to avoid anti social alleyways
- c) considering quality of life for the future residents of the proposed development and the current surrounding residents.

Thanking you

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 2 DECEMBER 2020**

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

SUBJECT: **059396 - FULL APPLICATION - ERECTION OF 80 DWELLINGS, CONVENIENCE STORE AND ASSOCIATED DEVELOPMENT AT COPPY FARM, CILCAIN ROAD, GWERNAFFIELD.**

APPLICATION NUMBER: **059396**

APPLICANT: **BROMFIELD GROUP LIMITED**

SITE: **COPPY FARM, CILCAIN ROAD, GWERNAFFIELD**

APPLICATION VALID DATE: **9TH JANUARY 2019**

LOCAL MEMBERS: **COUNCILLOR ADELE DAVIES COOKE**

TOWN/COMMUNITY COUNCIL: **GWERNAFFIELD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF PROPOSAL**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the erection of 80 no. dwellings, a convenience store and associated development at Coppy Farm, Cilcain Road, Gwernaffield.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. It is considered that there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Mold. In the absence of the evidence of need, and in light of the satisfactory levels of residential housing completions, commitments and allocations as set out in the planned housing trajectory in the Deposit LDP, the Council does not attach considerable weight to the need to increase housing delivery. The proposal therefore conflicts with the principles set out in section 4.2 of PPW 10 as it would

prejudice the plan-led system with respect to the most appropriate housing sites from being brought forward as set out in the Deposit LDP.

2. The Local Planning Authority considers that insufficient information has been submitted to ensure that the proposal has fully taken account of bats and any other European Protected Species being present on the site into account. In the absence of adequate surveys, mitigation and reasonable avoidance measures it is not possible to demonstrate that the proposal adequately takes account of the European Protected Species and as such is contrary to policies GEN 1 and WB1 of the Flintshire Unitary Development Plan. Furthermore the proposal fails to safeguard protected and priority species from impacts which directly affect their conservation status as required by Planning Policy Wales 10.
3. In the opinion of the Local Planning Authority the proposal provides insufficient provision for affordable housing. As such, the proposal is contrary to policies STR4 and HSG11 of the Flintshire Unitary Development Plan.
4. In the opinion of the Local Planning Authority the proposal provides an inadequate level of onsite play and recreational space for the numbers of dwellings proposed. As such the proposal is contrary to policy SR5 in the Flintshire Unitary Development Plan and the guidance found within Local Planning Guidance Note 13: Open Space Requirements.
5. In the opinion of the Local Planning Authority the proposal does not provide an appropriate mix of dwelling size and type and would therefore fail to create a mixed and socially inclusive community. As such the proposal is contrary to policy HSG9 of the Flintshire Unitary Development Plan.
6. In the opinion of the Local Planning Authority the layout, by virtue of its inadequate private amenity space with regard to specific plots upon the site, would give rise to adverse living conditions for future and neighbouring residents. As such it is contrary to policy STR1 of the Flintshire Unitary Development Plan and the advice contained within SPGN2- Space Around Dwellings.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Adele Davies Cooke

No response at time of writing due to lack of information submitted with the planning application.

Gwernaffield Pantymwyn Community Council

Object to the proposal on the following grounds:

- Contrary to planning policies and Government planning advice
- Impact upon residential amenity

- Impact upon character and appearance of area
- Impact upon community facilities

Highways Development Control

Highways Development Control have no objection to the proposal and request conditions and advisory notes.

The Streetscene Area Manager and Transport Manager consider the proposal acceptable, subject to proposed off-site works being carried out.

Community and Business Protection

No objection in principle to development. Requires conditions for contaminated land, as well as noise and light during the construction phase of development.

Housing Strategy

In terms of evidence of housing need in Gwernaffield:

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units; (NB. This figure has since been update to 228 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;

The need for affordable housing in Gwernaffield is as follows:

Size	Social	Affordable Rent	Affordable Ownership
1bed	5 (for over 55's)		
2bed	6	8	3
3bed	3	1	

There is some need for affordable housing in the area, with a mix of social rent, shared equity and affordable rent. Of the social rented properties 8 are for people aged over 55 years, which can be delivered through a Housing Association.

The proposed affordable housing provision of 2no. gifted units is not supported.

Education and Youth Services

Schools Affected:Primary

Ysgol Y Waun

Current NOR 97 (Excluding Nursery)

Capacity 107 (Excluding Nursery)

No. of Surplus Places: 10

Percentage of Surplus places: 9.35%

Secondary

Ysgol Maes Garmon, Mold

Current NOR 529

Capacity 711

No. of Surplus Places: 182

Percentage of Surplus places: 25.60%

Primary School Pupils

School capacity 107 x 5% = 5.35 (5)

107 – 5 = 102 Trigger point for contributions is 102 pupils

(No. of units) 80 x 0.24 (primary formula multiplier) = 19.2 (19 No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £232,833

Actual pupils 97 + 19 (from the multiplier) = 116 meets trigger

116-102 = 14 x £12,257 = £171,598.00 (cannot ask for more contributions that development generates)

Contribution requirement would be £171,598.00

Secondary School Pupils

School capacity of 711 x 5% = 35.55 (36)

Capacity 711 - 36 = 675 Trigger point for contributions is 1178 pupils.

(No. of Units) 80 x 0.174 (secondary formula multiplier) = 13.92 (14 No. of pupils) generated 14 x £18,469 per pupil (Building Cost multiplier) = £258,566.00

Actual pupils 529+36=565, does not meet trigger of 675

Contribution requirement would be £0.00

Aura

In accordance with PGN13 Public Open Space provision, the development should provide play and recreation facilities. The Authority would require a centrally located area of POS to be in the region of 4500m² of designated play and recreation facilities.

Welsh Water/Dwr Cymru

Drainage arrangements are acceptable in principle. Requests conditions and notation.

Natural Resources Wales

Would object to the scheme if a bat survey and report is not provided to assess the extent of adverse impacts on any bats and other European protected species, with any avoidance and mitigation measures required.

Airbus

No aerodrome safeguarding objection to the proposal

Wales and West Utilities

No apparatus in area of enquiry.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

92 Letters of objection

- Impact upon character of village
- Scale
- Lack of play provision
- Density
- Loss of privacy, intrusion
- Road safety
- Contrary to policy
- Housing mix- too many 4/5 bed dwellings
- Loss of agricultural land
- Subsidence problems locally

9 Letters of Support

- Village needs investment
- Difficult place to find a property to buy
- Will help sustain community
- Shop will benefit local community
- Improve footpaths
- Good for local businesses

5.00 SITE HISTORY

5.01 056664- Erection of farm shop and associated works, formation of new vehicular and pedestrian access- Approved 16/06/2017

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 - New Development

STR4 – Housing
 STR7 – Natural Environment
 STR8 - Built Environment
 STR10 - Resources
 GEN1 - General Requirements for New Development
 GEN3 - Development Outside Settlement Boundaries
 D1 - Design Quality, Location and Layout
 D2 - Design
 D3 - Landscaping
 WB1 - Species Protection
 HE8- Recording of Historic Features
 AC13 - Access and Traffic Impact
 AC18 - Parking Provision and New Development
 HSG4 – New Dwellings Outside Settlement Boundaries
 HSG8 - Density of Development
 HSG9 - Housing Mix and Type
 HSG11 - Affordable Housing in Rural Areas
 RE1 – Protection of Agricultural Land
 SR5 - Outdoor Play Space and New Residential Development
 Local/Supplementary Planning Guidance Notes
 Developers Guidance Note – speculative development
 LPGN 2 - Space around dwellings
 LPGN 9 - Affordable Housing
 LPGN 11 - Parking Standards
 LPGN 13 - Open Space Requirements
 Planning Policy Wales Edition 10 December 2018

7.00 PLANNING APPRAISAL

7.01 Proposal

7.02 This is a full planning application for the erection of 80 dwellings, convenience store and associated development, at land at Coppy farm, Cilcain Road, Gwernaffield.

7.03 The application represents a departure from the provisions of the Development Plan, and has been advertised as such.

7.04 The application is subject to an Article 18, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Holding Direction from Welsh Government. This Direction has been issued to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

7.05 The Direction prevents the Council only from granting planning permission; it does not prevent it from continuing to process or consult on the application. Neither does it prevent it from refusing planning permission. This report has been shared with Welsh Government.

7.06 Site

The application site extends to approximately 3.01 hectares in size and is located on the edge of the settlement of Gwernaffield

7.07 The site is partly within the settlement boundary of Gwernaffield in the adopted UDP but is, for the most part, approximately 2.69 hectares of the entire site, outside the settlement boundary, and therefore considered to be in open countryside. Similarly, a small section of the land, approximately 0.32 hectares of the site would be considered to be previously developed land, but the majority of the application site is undeveloped agricultural land.

7.08 The land slopes from the north to the south, with a gentle to moderate slope running towards the highway which bounds the site to the south. Site boundaries are currently generally treated with native species field hedgerows

7.09 **Principle**

Gwernaffield is a category C settlement in the Flintshire Unitary Development Plan and had an indicative growth band of 0-10%. The proposed housing development is not for 'rural enterprise' dwellings and is not an affordable housing rural exceptions scheme and therefore does not comply with Flintshire Unitary Development Plan policies. By way of further context for the settlement Policy HSG3 required that any new dwellings within the settlement boundary would have to meet a proven local need.

7.10 **Housing Land Supply**

Since the application was submitted, Welsh Government has announced it has permanently revoked TAN1. The result of this is that there is no longer a requirement to maintain a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory in the adopted LDP. This is a significant material change in relation to the applicant's case which promotes a site on the basis of an exception to the relevant housing policy in the Unitary Development Plan as it would help meet a shortfall in the 5 year housing land supply. This is no longer a directly relevant consideration.

7.11 In relation to the new approach to measuring housing provision against the LDP trajectory, whilst the LDP is not yet adopted, Welsh Government have confirmed that the use of the Deposit LDP trajectory is a material consideration in assessing applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver the amount of housing it is required to meet.

7.12 In respect of the previous terms of TAN1, the Council could not formally undertake or demonstrate a 5 year supply calculation, as it does not have an up to date adopted development plan. The Council can, however, provide informal calculations of supply. Firstly a measurement of supply

against past completions has been undertaken which shows that over a 5 year period the land supply is 5.59 years and over a 10 year period the land supply is 6.79 years. Secondly, a measurement against the Plan's annual average requirement has been undertaken which shows, against an average requirement of 463 units there is a land supply of 6.6 years. Although these figures have no formal standing, either at the time TAN1 was in force, or since its permanent revocation, they clearly demonstrate that the County does indeed have a supply of housing land not only available, but also being delivered.

7.13 In addition to the position set out in the above monitoring data there is also the additional supply provided by allocations in the Deposit LDP. A Background Paper on Housing land Supply was published alongside the LDP which explains the various components of housing land supply and sets out a Housing Trajectory to illustrate delivery over the Plan period. Appendix 4 and 5 of that background paper shows a 5 year supply can be achieved on adoption. The evidence base alongside the Deposit LDP clearly demonstrates that a 5 year housing land supply can be delivered.

7.14 In the context of the new arrangements for monitoring housing provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for a site not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states 'The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.

7.15 **Sustainability**

The settlement sits within the bottom tier of the settlement hierarchy and the Flintshire Unitary Development Plan Inspector generally commented that such settlements were relatively unsustainable in terms of their facilities and services. The growth rates for settlements were not targets and were intended to guide levels of development. The proposed development of 80 dwellings would result in a growth over the Local Development Plan period of 23.5% which is a significant growth for such a settlement. In the context of the Flintshire Unitary Development Plan settlement hierarchy such a level of growth would sit in excess of that for category B settlements (8-15%) and category A settlements (10-20%). The level of growth that would be experienced in Gwernaffield would be completely at odds with the spatial strategy in the Flintshire Unitary Development Plan.

7.16 The emerging Local Development Plan also provides a useful context for the proposal. The Local Development Plan has a 5 tier settlement hierarchy and Gwernaffield sits within the 4th tier as a Defined Village. This was based on a comprehensive set of settlement audits for some 80 plus settlements and had regard to services and facilities, character, size, accessibility and

sustainability. The spatial strategy in terms of housing is set out in policy ST2 of the Preferred Strategy which directs new allocations to the first three tiers. No new allocations will be identified in tier 4 or 5 settlements reflecting their relative lack of sustainability. Whilst the agent claims that the settlement is 'highly' sustainable the position of the settlement in the Flintshire Unitary Development Plan hierarchy and the body of evidence in the settlement audits which informed the Local Development Plan settlement hierarchy does not reflect this.

7.17 The Flintshire Unitary Development Plan is still the adopted Plan for the County and even though its housing policies and settlement boundaries are out of date, its basic spatial strategy is still soundly based. Planning decisions must be made in the context of a sensible spatial strategy. The Local Development Plan also provides a more up to date spatial strategy and neither sees Gwernaffield as being appropriate or sustainable to accommodate such a scale of development. It is accepted that there is a housing need associated with Local Development Plan Plan period but this is presently being met by the average level of completions being delivered. Sensible planning cannot be discarded just because the Council cannot demonstrate a 5 year housing land supply.

7.18 In addition, the agent makes reference to other settlements such as Rhos y Cae and Llanfynydd having growth rates well in excess of the 10%. This should not be interpreted as being the 'norm' as this was largely based on earlier planning permissions that contributed to Flintshire Unitary Development Plan growth. In fact, it was such high levels of growth in these and other category C settlements, which the Inspector was concerned about in terms of sustainability. It was what led to the Inspector firming up policy HSG3 to ensure that any additional dwellings up to a ceiling of 10% in such settlements had to be to meet a proven local need.

7.19 It is acknowledged that the proposal also includes a convenience store which enhances its sustainable credentials. This convenience store replaces one previously given planning permission on the Coppy farm site, within the settlement boundary. This alone, and in the absence of further appraisals or robust evidence identifying the sustainable merits of the scheme, and taken together with the lack of affordable housing provision, and public open space within the site cannot be relied upon to make the site be considered sustainable. I consider that in the planning balance the proposal does not represent a sustainable form of development.

7.20 **Ecology**

An ecological survey has been submitted with the application. Whilst this survey did consider the existence of bats at the site, and concluded that there was no evidence of this protected species being present. Notwithstanding this report it has been considered by both Natural Resources Wales, and by the Council's Ecologist, that given the reasonable likelihood of bats being present, further specific bat surveys and reports should be undertaken that fully assess the extent of adverse affects of the development on any bats and other European protected species found to

be present, and to identify any avoidance or mitigation measures required. Until these further assessments have been carried out there is no assurance that the development would not unacceptably harm protected species or their habitats and, as such, this element must be considered a significant impediment to the acceptability of the scheme.

7.21

Further surveys have been requested from the applicant but have not been provided. Therefore, I consider that as it stands the development proposal would be contrary to policies WB1 of the Flintshire Unitary Development Plan and PPW 10 as the proposal cannot meet the necessary requirements to address the potential presence of protected or priority species.

7.22

Affordable Housing

The proposal shows 2 units, to be gifted to the Council, as affordable provision for the site.

7.23

In terms of evidence of housing need in Gwernaffield The Local Housing Market Assessment (LHMA) for Flintshire, which is the strategic document which frames the overarching housing need and is developed using rigorous data sources, identifies an annual shortfall of 228 affordable units.

7.24

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;

7.25

The need for affordable housing in Gwernaffield is as follows:

Size	Social	Affordable Rent	Affordable Ownership
1bed	5 (for over 55's)		
2bed	6	8	3
3bed	3	1	

7.26

It is clear from the LHMA figures that there is some need for affordable housing in the area, with a mix of social rent, shared equity and affordable rent. It is not considered that the offer of 2 no. gifted units would adequately address this need, or provide a suitable level of affordable housing on this development of the size proposed.

7.27

The site lies predominantly outside of the settlement boundary for Gwernaffield and as such the proposal is contrary to the housing policies, as previously discussed. Even if this were not the case, the affordable housing provision would not accord with policy HSG10, which requires a residential development to meet the identified need, or to provide 30% affordable housing across the site . The current proposal does neither.

7.28

Public Open Space

In accordance with policy SR5 of the Flinshire Unitary Development Plan, and guidance within SPGN-13, a development of this size should be providing on-site play and recreation facilities. In accordance with this guidance it has been calculated that the development should provide a centrally located play area of 4500m² rather than relying on off site provision. This area should have a buffer of 20 metres from any dwelling.

7.29 It is considered that in general outdoor playing space should always be provided on site. Whilst it may be acceptable to offset a lack of on-site provision with financial contributions, this is only acceptable in exceptional circumstances. It has not been explained by the developer what these circumstances may be. In the absence of this information then the advice of Aura Leisure is considered to be applicable and the proposal fails to provide the requested level of equipped play space.

7.30 As the proposal does not propose any public open space it instead seeks to enhance connectivity between the site and a nearby existing play area, located to the west of Rhydymwyn road. I consider that even if it were accepted that an equipped play area would not be required if the existing facility which is easily accessible from the site and can be upgraded, it would still be appropriate to provide informal playing space and other public open space, which the proposal lacks. As such, I consider that the proposal fails to comply with the relevant planning policies with regard to outdoor playing space.

7.31 **Design, Location, layout**

Planning Policy Wales 10 states, in paragraph 3.14: "Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals."

7.32 It is considered essential that any development in a small village such as Gwernaffield should respect the general local vernacular style of building and their existing layout. At the moment a visitor is greeted with late nineteenth century cottages on one side of the road, with earlier examples set behind, whilst on the opposite site there is a grand entrance to the former Vicarage with some modest mid-twentieth century single storey dwellings. The majority of these are small in size and scale likely to have been homes occupied by farm working families that may have been employed by the nearby Rhual estate. The grand stone built Vicarage is much larger in both size and scale than the adjacent period style properties and signifies a hierarchical status amongst dwellings in the village with Rhual being the most significant in size and grandeur. In regard to the built environment it has to be said that a distinctive rural character is in existence at this entry point, consisting in the main of small or simple vernacular dwellings and which continue in essence throughout the rest of the village. Larger

buildings are found, but they tend to have a communal use and include the church and a public house.

- 7.33 The house-types being proposed in this application would appear to have little regard to the rural vernacular style and character that exists currently in Gwernaffield. The size of these new buildings being proposed would appear to be out of scale to the smaller properties they will sit next to and it is clear from the individual house drawings that they have not been designed to complement the local style. The house types chosen for this development are typical large volume development house-types more typical of housing developments on the outskirts of large towns and cities. These type of developments often tend to have the hallmark of a particular developer, rather than corresponding to a particular local vernacular style.
- 7.34 The proposed layout would also appear to have taken on the form of a typical housing estate with houses sited in oblique and obscure angles and with little or no regard to the neighbouring buildings, either other houses on the scheme or existing houses on the periphery of the site. It appears that the main focus has been on delivering a high density of units, rather than having any particular regard to local vernacular density. As the proposed development will be located on one of the principal roads into the village it will mean that some the new buildings will front the road and others back onto the open fields. These essentially will give the visitor their first impression of this small rural village.
- 7.35 It is clear that one of the house types being proposed for the main road location differ in design and also their position to the existing properties which does not create a positive or attractive frontage. The terrace is of three storeys if you include the dormer windows of the second floor. This type of fenestration is not a common feature within the village, and there are no examples of any other prominent dormers within the streetscene. These properties are also set further forward than a historic terrace which is their immediate neighbour. The large detached new build units that are located on the outer edge of estate road will create the new village boundary, and it is considered that as a result of the developer house-type design and dense layout this will unfortunately give the impression to anyone entering on this road that they are entering a much large town rather than small rural village. As such it is not considered that the proposed house types either protects the character and amenity of the locality or adds to the quality and distinctiveness of the local area and as such is contrary to policy D2 of the Flintshire Unitary Development Plan.
- 7.36 The housing mix proposed is heavily biased towards 4/5 bed dwellings, with 68 of the 80 dwellings at this size, and does not have regard to the findings of the Local Housing Market Assessment which places greater emphasis on 1, 2 and 3 bed dwellings. It is considered that the mix proposed would not assist in creating mixed or socially cohesive communities. Taken together with the lack of affordable housing, discussed above, it is unlikely that the houses provided would be accessible to younger people or families, which is a stated aim of the proposal. As the proposal fails to take local housing need into account I consider that it fails to meet the requirements of policy HSG9 of the Flintshire Unitary Development Plan.

7.37 **Living conditions**

The proposed site plan does not provide plot numbers which introduces difficulty in articulating precise issues per plot. However, there are repeated reduced interface distances and garden sizes throughout the proposal. The terrace of dwellings identified as 'E's have a difficult relationship with Moel View and sit awkwardly with relation to the existing houses adjacent to them. The gardens serving the proposed dwellings 'E's and 'F's are substandard in length and area, offering almost no outside rear space to the proposed dwellings. There is a proposed dwelling which backs on to Penyffordd Field, on the eastern area of the site, which also appears to have no garden area proposed at all. The dwellings proposed on the eastern edge of the site all appear to have a reduced garden depth which falls below the recommended distances in SPGN2- Space Around Dwellings.

7.38

7.39 Private amenity space is important to the wellbeing of residents and to allow quiet enjoyment, children's playspace, drying clothes, and so forth. By failing to provide these on a number of the plots it is considered that the proposal fails to comply with the advice contained within SPGN2- Space Around dwellings and policy STR1 and in general provides an inadequate form of development which would be detrimental to the living conditions of both existing and proposed residents.

7.40 **Agricultural Land value**

Flintshire Unitary Development Plan policy RE1 seeks to protect grades 1,2 and 3a land unless there is an overriding need for the development; the development cannot be accommodated on derelict, non-agricultural or lower grade agricultural land, or available lower grade land has an environmental value or designation which outweighs the agricultural considerations.

7.41 A soils and agricultural land quality report was submitted with the application. Welsh Government's Land Value unit have assessed the supporting evidence and consider that its findings can be accepted. The report shows that 33% of the land is at grade 3a, with the remaining 64% of the land at a lower grade, subgrade 3b or 4. The subgrade 3a land is considered to be unsuitable for arable uses due to agro-climatic conditions which leave the ground too wet for parts of the year. The land is currently used for grazing. The land is considered to be predominantly lower agricultural grades due to its shallow depth. I do not consider that the proposal would be contrary to policy RE1. In all cases where agricultural land is affected by a development proposal, it will be necessary to take into account the size, structure and viability of the farm unit and the location of the proposed development in order to minimize unnecessary disruption to agriculture and farm structure. In the case of Coppy Farm this is a small farm unit that may be unsuitable for modern farming methods without significant investment.

7.42 Welsh Government have considered the information submitted in support of the application and have given the view that its findings can be relied upon. As such I do not consider that the proposal would represent an unacceptable loss of agricultural land.

Planning Obligations

7.43 The infrastructure and monetary contributions that can be required from a planning application through a S106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.44 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

7.45 It would be usual for a development proposal of this scale, for planning obligations to be imposed covering education contributions, discussed below and securing the tenure and type of affordable dwellings on site, as well as contributions to public open space. I have discussed in the paragraphs above why the provision of affordable dwellings and public open space is considered to be unacceptable.

7.46 Were it considered to be acceptable to provide financial contributions to provide an upgrading of offsite equipped play areas then the contribution required would be calculated at a rate of £1,100 per dwelling (£733.00 per affordable dwelling) in accordance with the Local Planning Guidance Note.

Education

7.47 As part of the planning consultation, Education and Youth services have calculated the impact of the proposed development upon the local Primary and Secondary Schools. The capacity of Ysgol y Waun, Gwernaffield is 107, excluding the Nursery, with 10 surplus places, the capacity of Ysgol Maes Garmon, Mold, is 711, with 182 surplus places. In accordance with Supplementary Planning Guidance Note 23-Developer Contributions to Education contributions it was concluded that only the primary school would hit the triggers identified in that guidance, and as such contributions would only be sought for this school.

7.48 As the trigger point for the contributions at Ysgol y Waun is 102, and the development, which is calculated to generate 19 more pupils, would result in 116 pupils at the school, it is considered that a figure of £171,958.00 would be sought from this development.

7.49 Therefore if Members were minded to approve the proposal I consider that it would be a lawful request in accordance with Regulation 123 of the CIL Regulations.

Other Matters

7.50

After consultation between Highways Development Control and highways consultants working on behalf of the applicant initial concerns regarding the adequacy of the proposal from a highways point of view, and with regard to the impact of the proposal on the wider highways network, it is considered that the proposals are acceptable subject to the imposition of conditions, and the entering into of a Section 278 agreement under the 1980 Highways Act, which would secure a scheme for off-site highways improvements including footway widening, traffic calming, street lighting and bus stop facilities. These conditions would be imposed should Members be minded to grant the proposal planning permission.

7.51 The drainage arrangements submitted with the proposal, namely that it is intended that foul water flows would be disposed of via the public sewerage system, are considered to be acceptable in principle by Dwr Cymru Welsh Water, and no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. It is considered that it would be appropriate to require the submission of full drainage details prior to the commencement of development.

7.52 Copsy Farm and its outbuildings, which would be demolished as part of this proposal, appear on the first edition Ordnance Survey map of 1872 and are therefore at least 148 years old. It is considered that whilst not listed the buildings are of local architectural and historic importance and as such should Members be minded to grant the proposal planning permission then a condition requiring an appropriate photographic survey to be undertaken before the buildings are demolished.

7.53 Third parties have identified potential issues of subsidence. These are structural matters which would be addressed outside the planning process by the Building Control Regulations.

7.54 Matters have been raised in support of the proposal, namely the village to require investment, shortage of housing and that the proposal would sustain and benefit the local community. However, it is considered that none of these factors outweigh the unjustified harm the proposal would cause to the open countryside.

8.00 CONCLUSION

In conclusion I do not consider that such a scale of development is appropriate or sustainable in Gwernaffield. It is contrary to the spatial Strategy in both the Flintshire Unitary Development Plan and emerging Local Development Plan. In addition there are a number of technical reasons why I consider the proposal to be unacceptable and contrary to the relevant Flintshire Unitary Development Plan policies and PPW10 in terms of the ecological issues on site, affordable housing, public open space, housing mix and with regard to sufficient amenity space provision. As such I recommend that the application is refused for the reasons given in paragraph 2.01.

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.

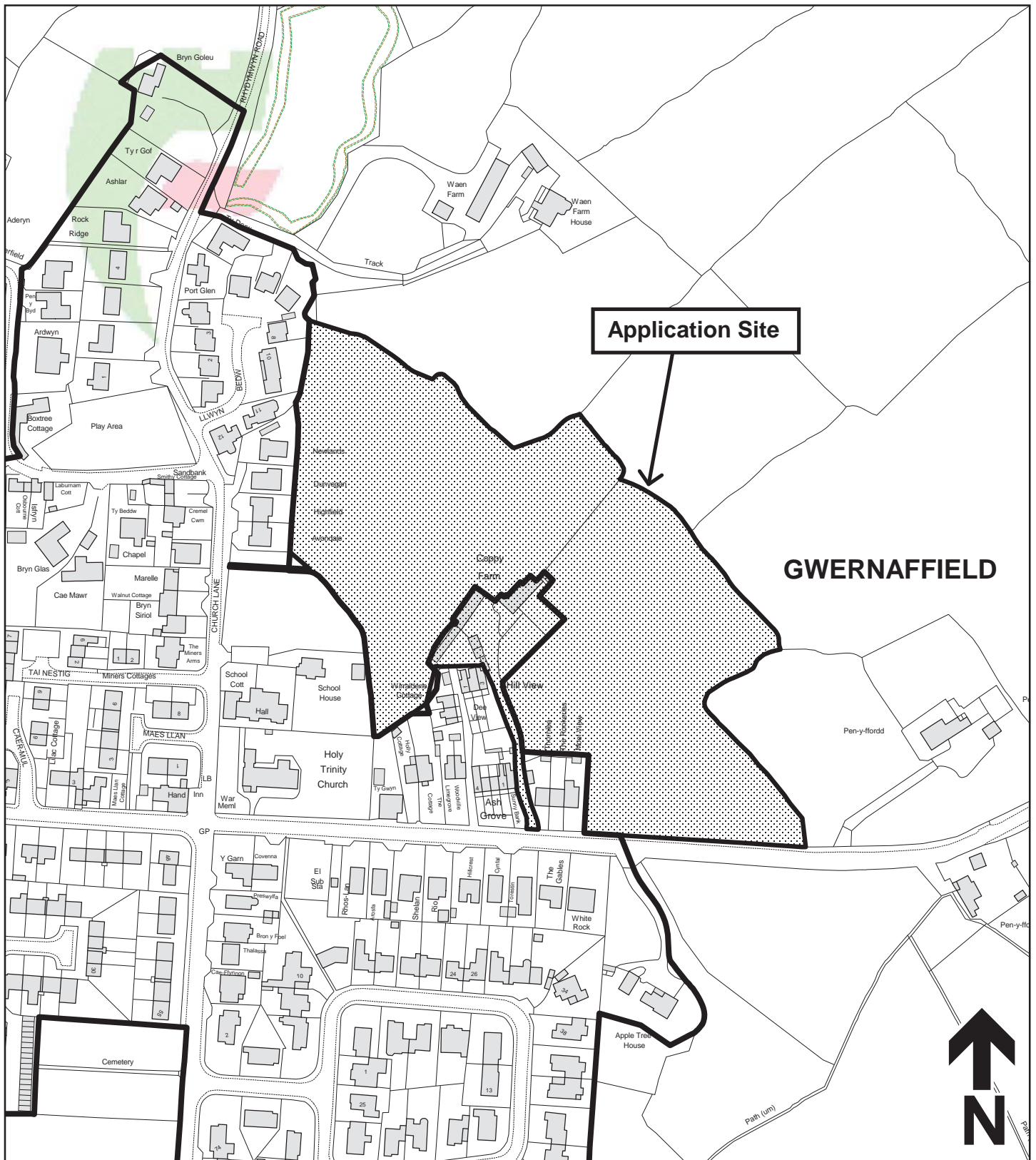
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: James Beattie

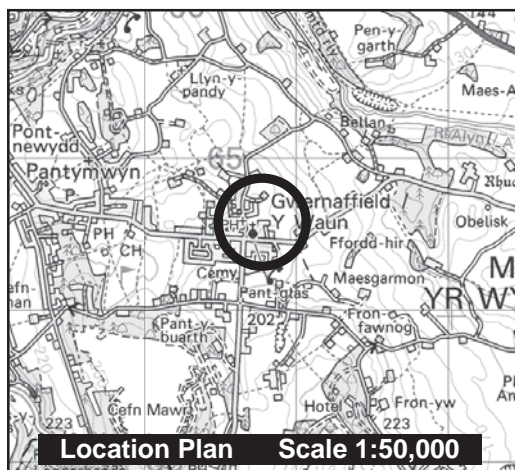
Telephone: 01352 703262

Email: james.beattie@flintshire.gov.uk



Application Site

GWERNAFFIELD



Location Plan Scale 1:50,000



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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Map Scale 1:2500

OS Map ref SJ 2064

Planning Application **59396**

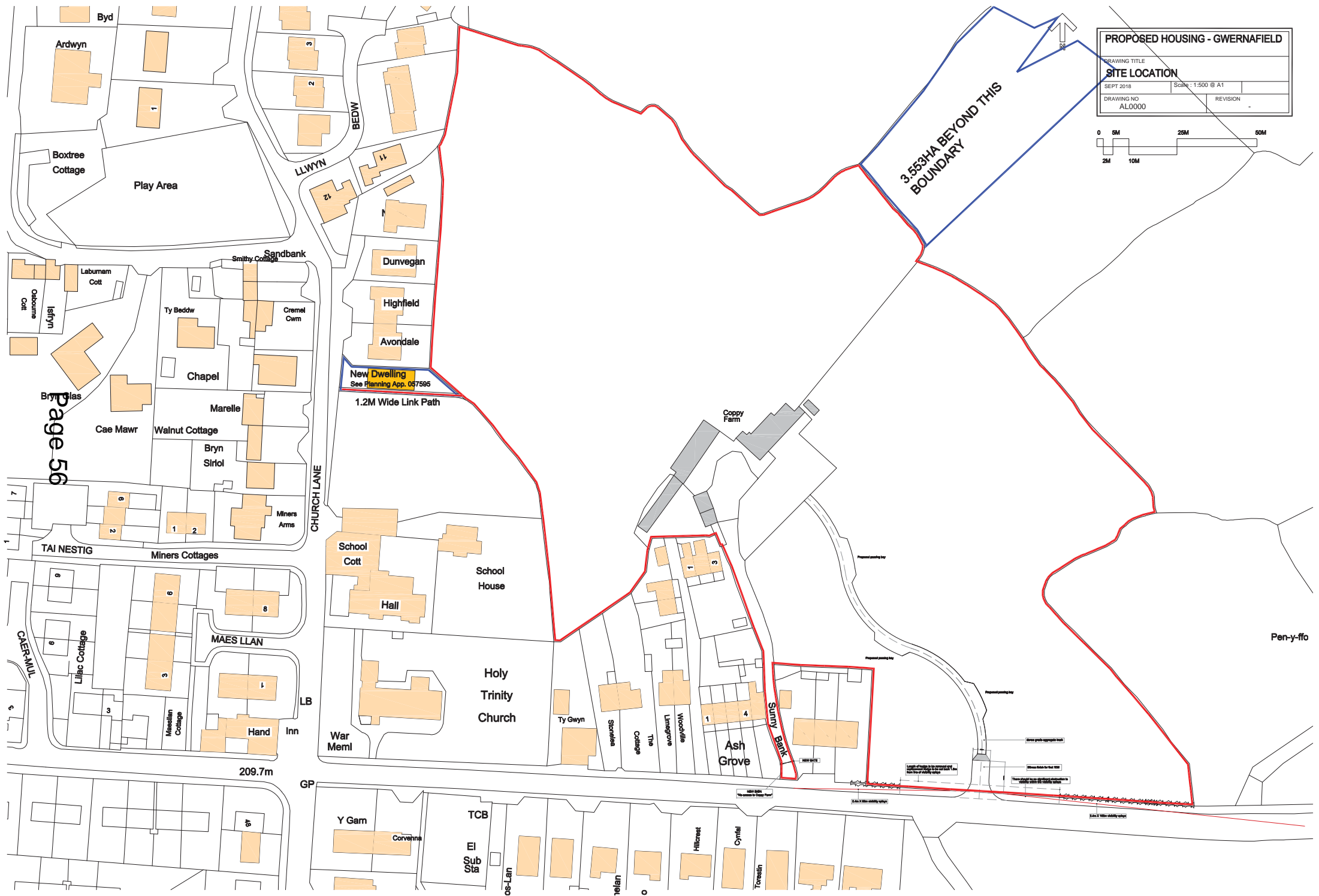
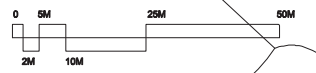
PROPOSED HOUSING - GWERNAFIELD

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SITE LOCATION

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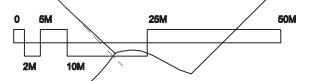
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PROPOSED HOUSING - GWERNAFIELD

DRAWING TITLE
PROPOSED SITE PLAN + TOPO

SEPT 2018 Scale : 1:500 @ A1

DRAWING NO AL0002 REVISION B



- Existing O/N Power Lines Removed From Site & Redirected
- Indicative Proposed Landscaping
- Existing trees and hedges retained
- 1800 High Garden Fence
- Indicative Parking Space
- Shared Drives
- Proposed pedestrian and cycle link



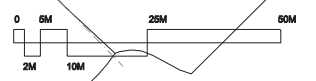
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PROPOSED HOUSING - GWERNAFIELD

DRAWING TITLE
PROPOSED SITE PLAN

SEPT 2018 Scale : 1:500 @ A1

DRAWING NO AL0003 REVISION B



- Indicative Proposed Landscaping
- Existing trees and hedges retained
- 1800 High Garden Fence
- Indicative Parking Space
- Shared Drives
- Proposed pedestrian and cycle link



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FRONT ELEVATION

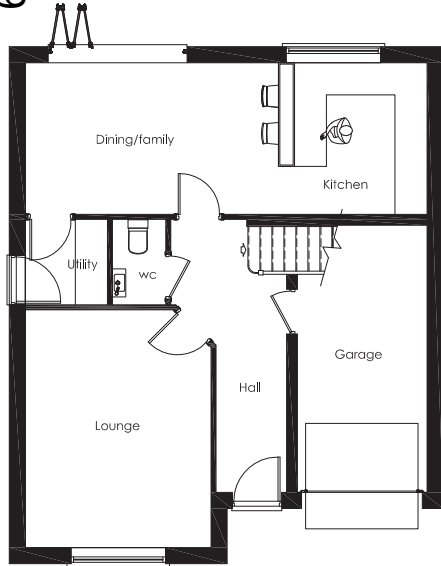


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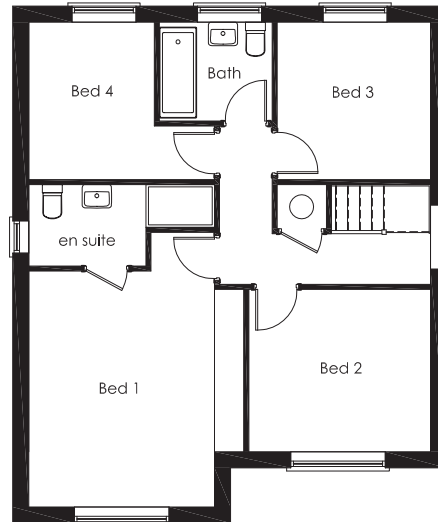


REAR ELEVATION

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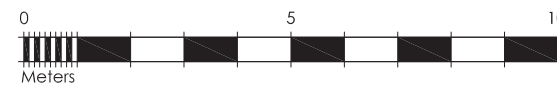
Ground floor plan




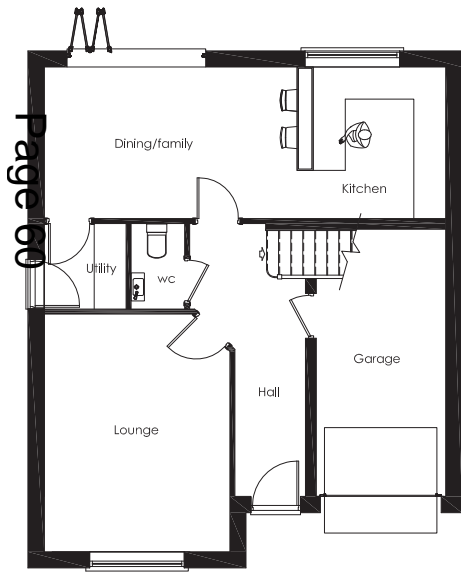
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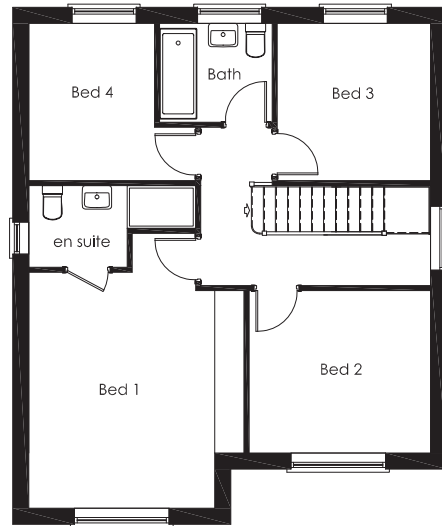
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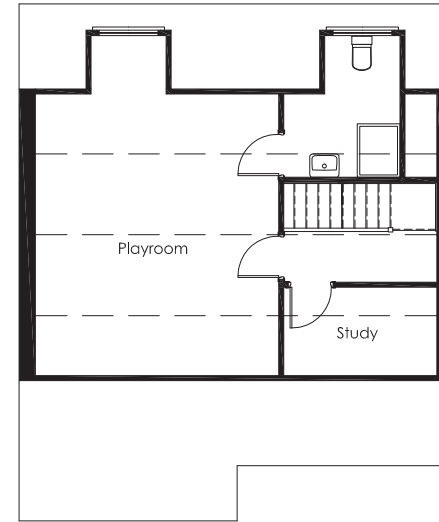
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 <p>Green Square Architecture Ltd 'The Tap' 2 Kingsway, Altrincham, Cheshire, WA14 1ET T: +44 (0) 161 941 3080 E: info@greensquarearchitecture.com</p>		



Ground floor plan



First floor plan



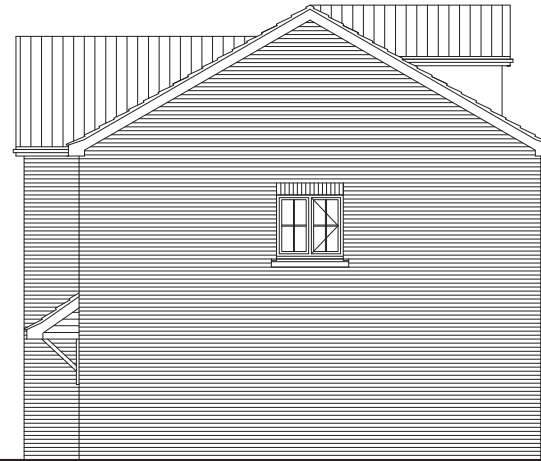
Second floor plan

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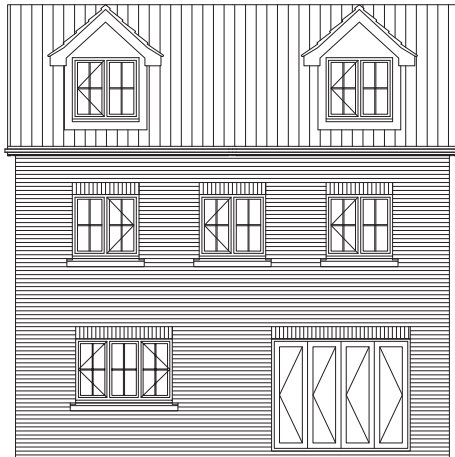

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FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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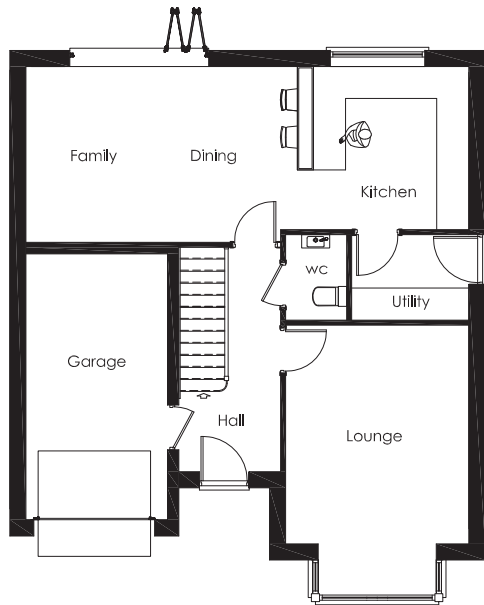


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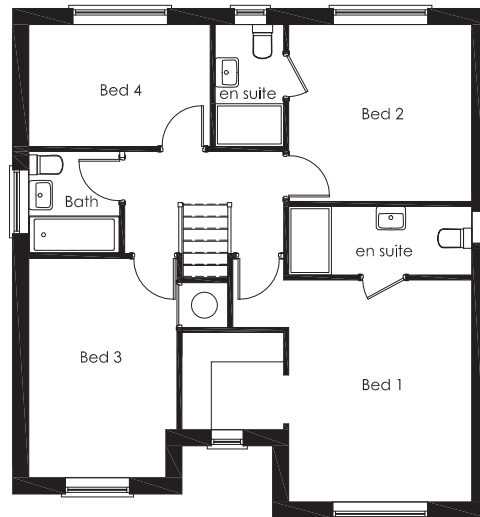


REAR ELEVATION

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Ground floor plan



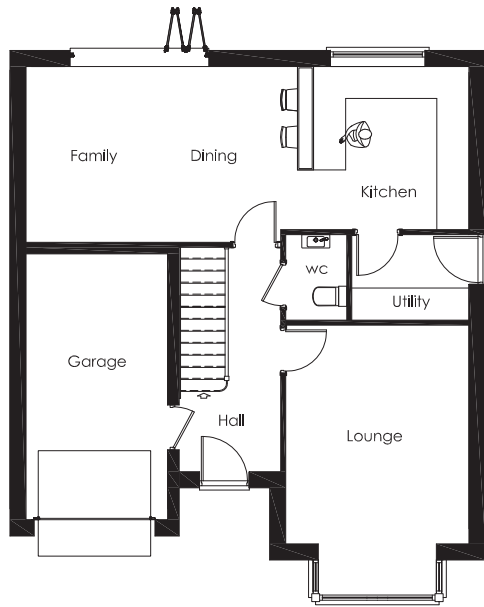
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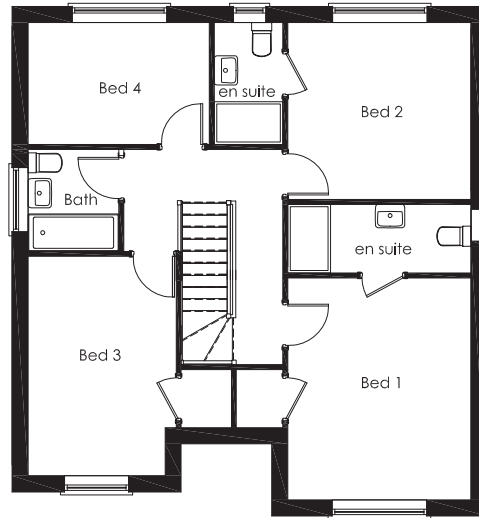
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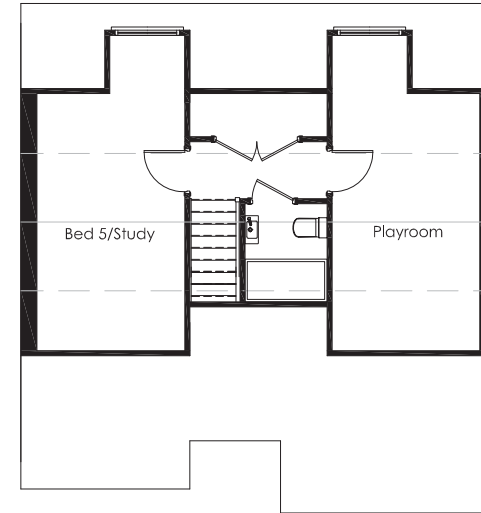

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Ground floor plan



First floor plan



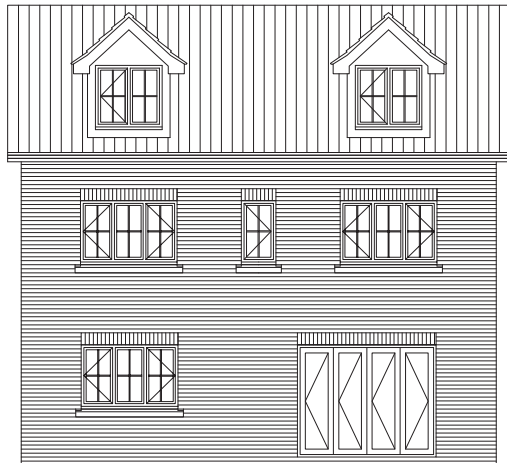
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FRONT ELEVATION



SIDE ELEVATION



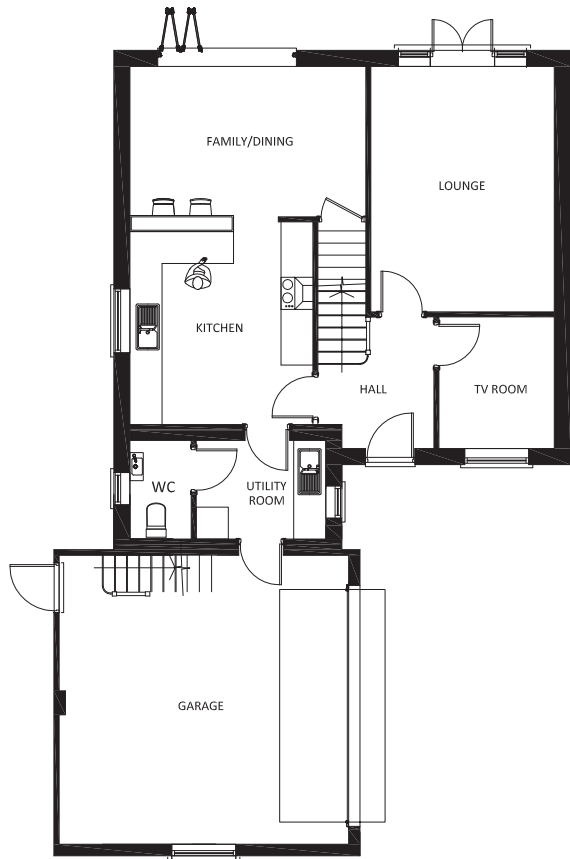
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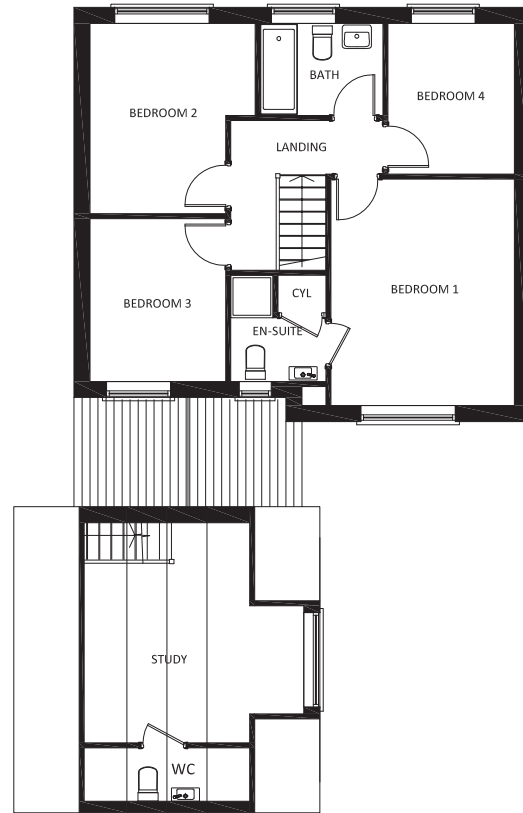
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Ground floor plan



First floor plan

Revision	Description	Date
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FRONT ELEVATION



SIDE ELEVATION



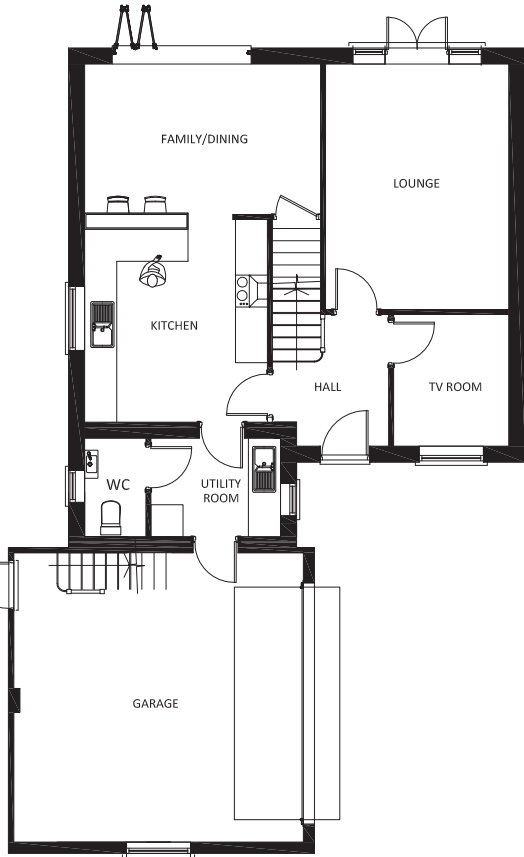
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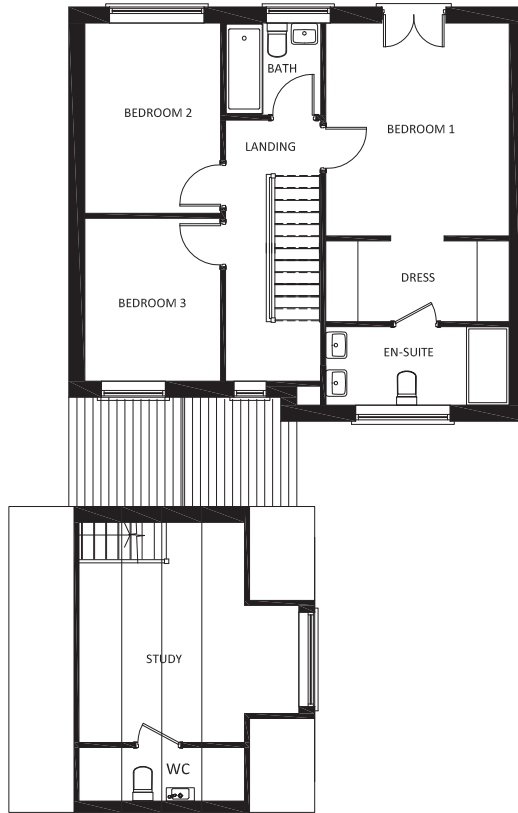
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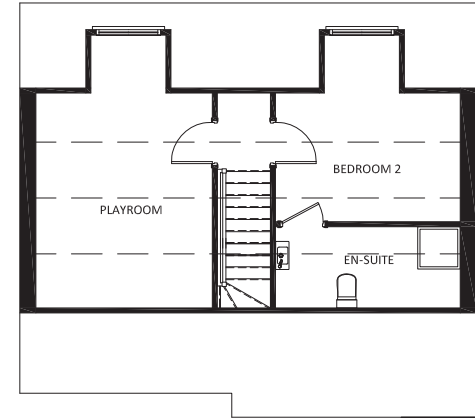

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Ground floor plan



First floor plan



Second floor plan

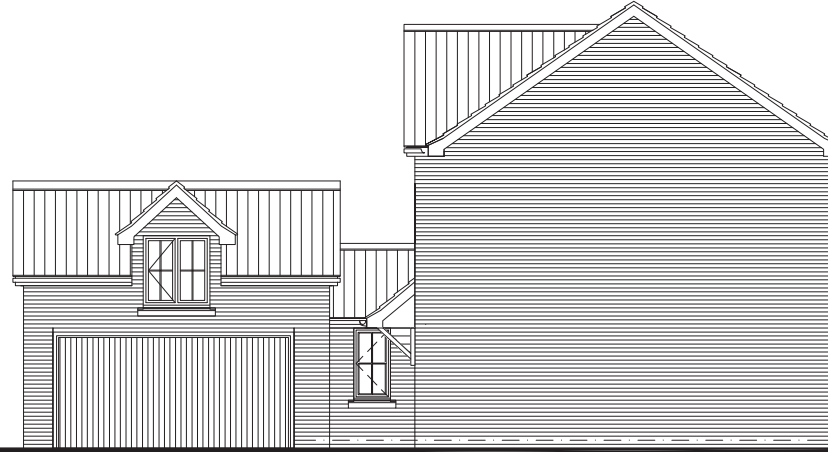
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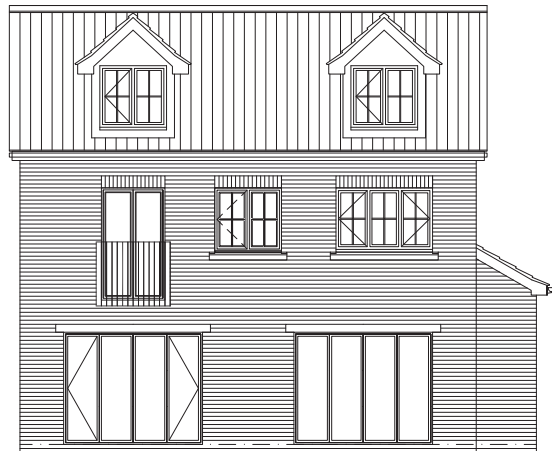
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FRONT ELEVATION



SIDE ELEVATION



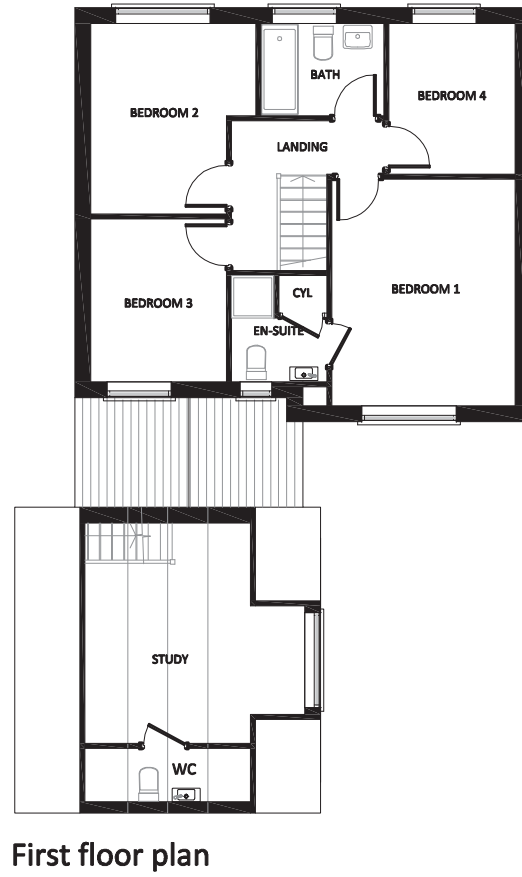
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SIDE ELEVATION

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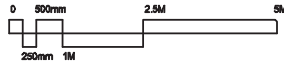
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FRONT ELEVATION



SIDE ELEVATION

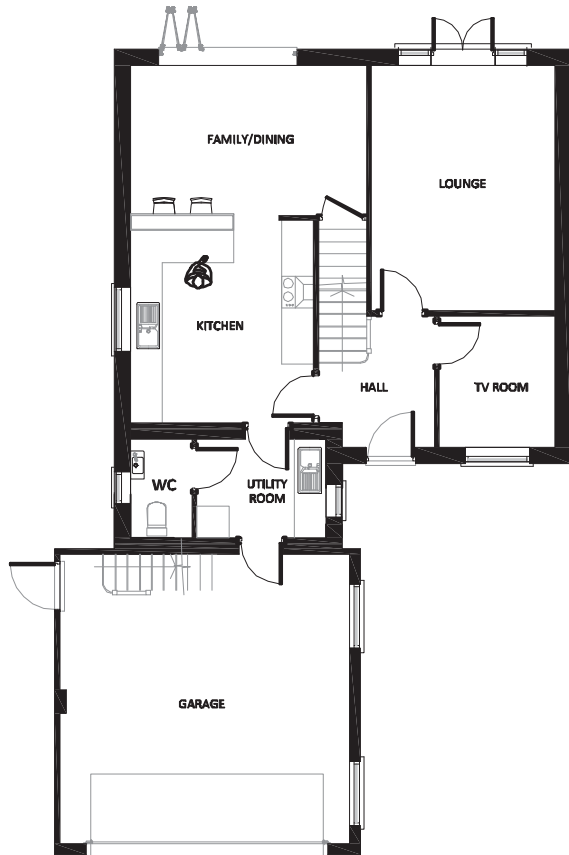


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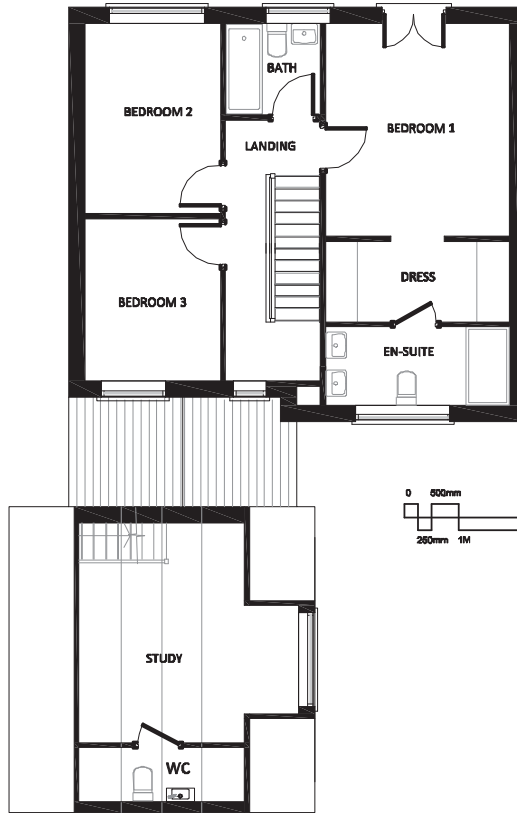


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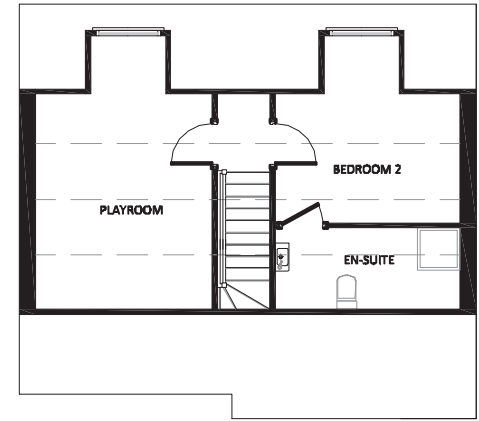
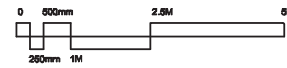
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Ground floor plan



First floor plan



Second floor plan

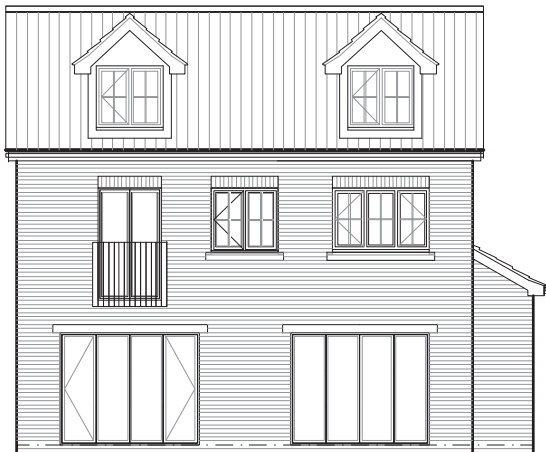
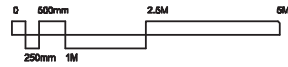
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FRONT ELEVATION



SIDE ELEVATION

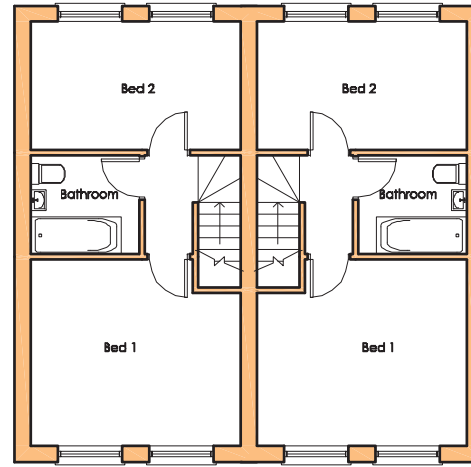
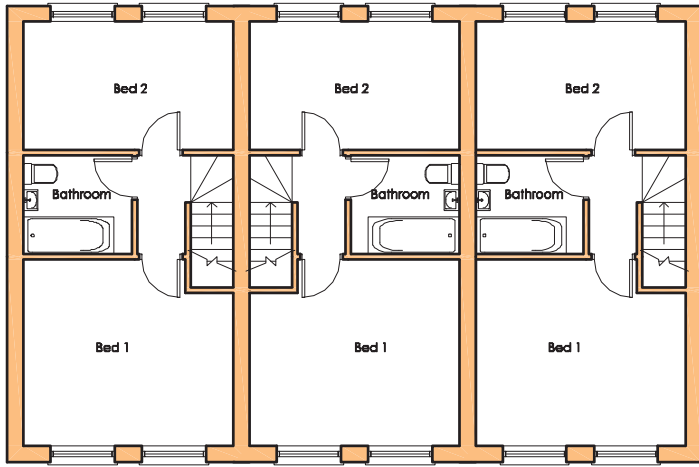


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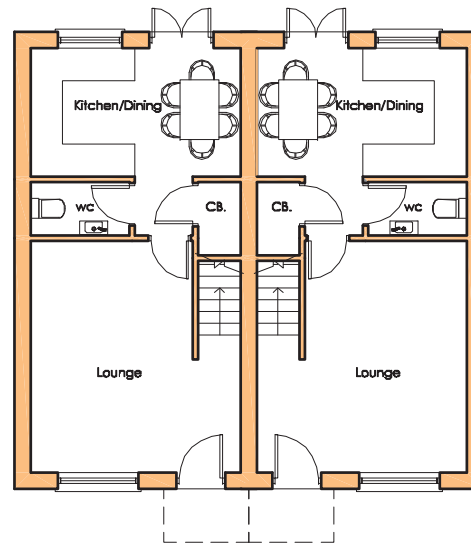
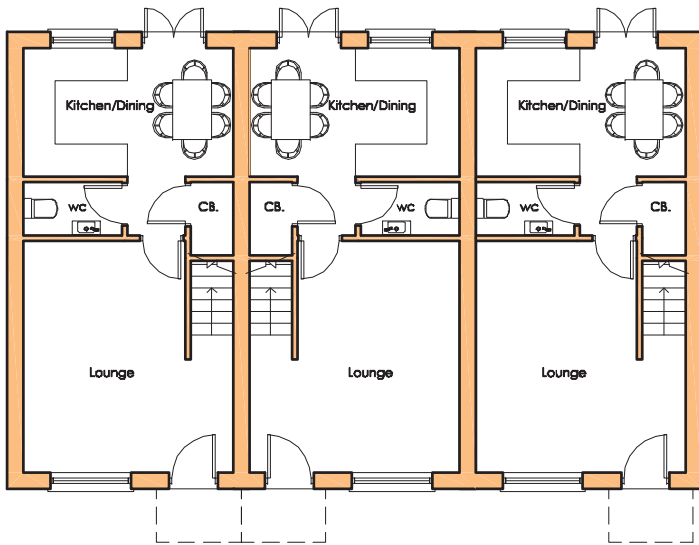


SIDE ELEVATION

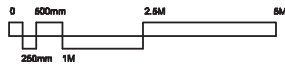
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OCT 2018	Scale : 1:100 @ A3
DRAWING NO	REVISION



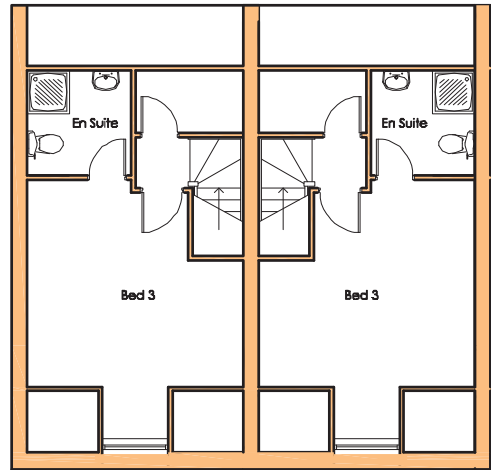
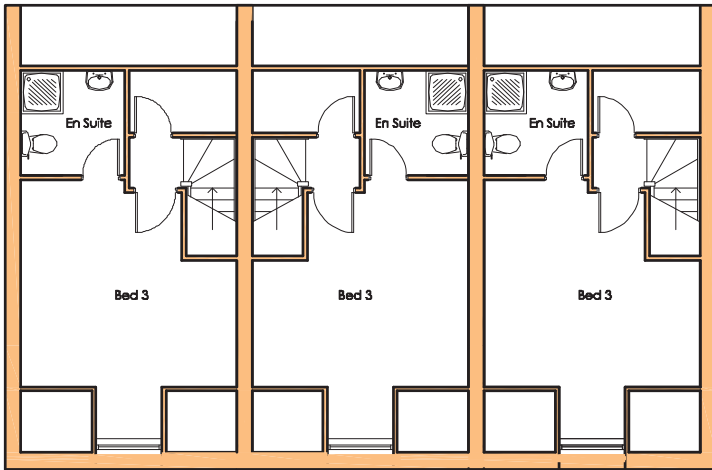
TYPE E (2B4P) - FIRST FLOOR PLAN
(EITHER TERRACE OR SEMI DETACHED)



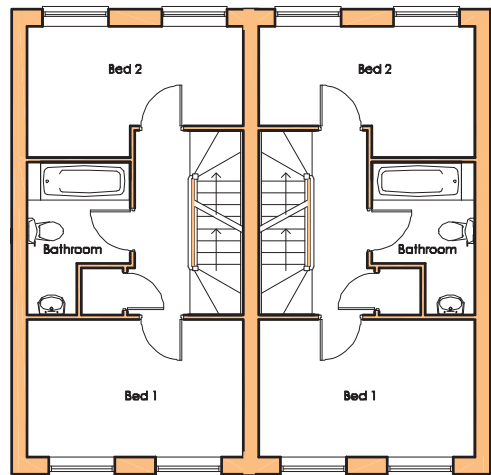
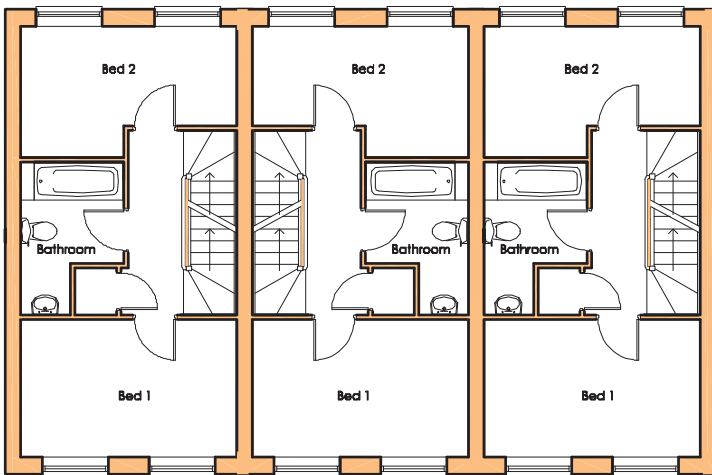
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(EITHER TERRACE OR SEMI DETACHED)



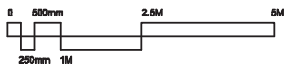
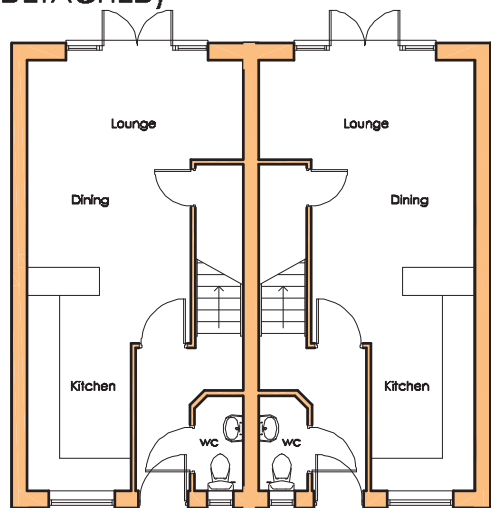
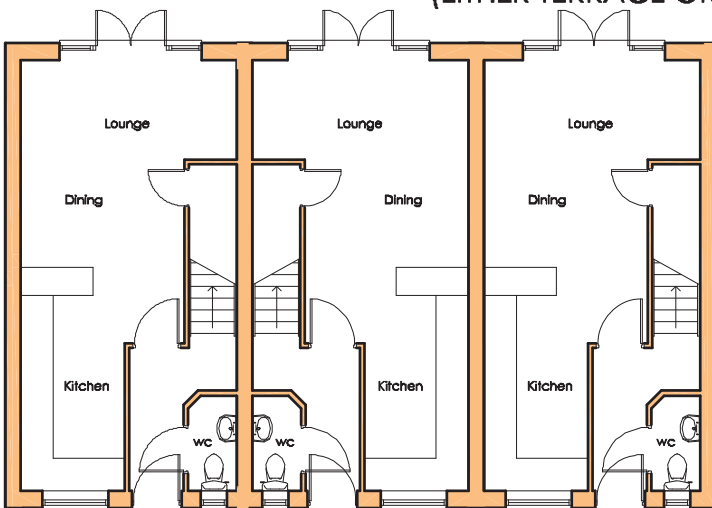
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HOUSE TYPE E - PLANS	
OCT 2018	Scale : 1:100 @ A3
DRAWING NO	REVISION



**TYPE F - 3 STOREY, 3 BED - SECOND FLOOR PLAN
(EITHER TERRACE OR SEMI DETACHED)**

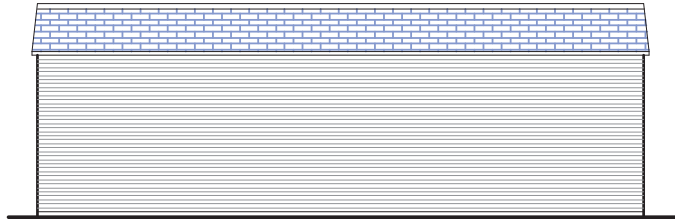


**TYPE F - 3 STOREY, 3 BED - FIRST FLOOR PLAN
(EITHER TERRACE OR SEMI DETACHED)**

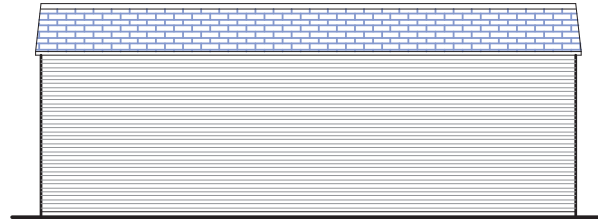


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(EITHER TERRACE OR SEMI DETACHED)**

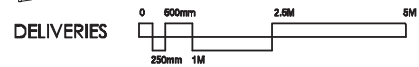
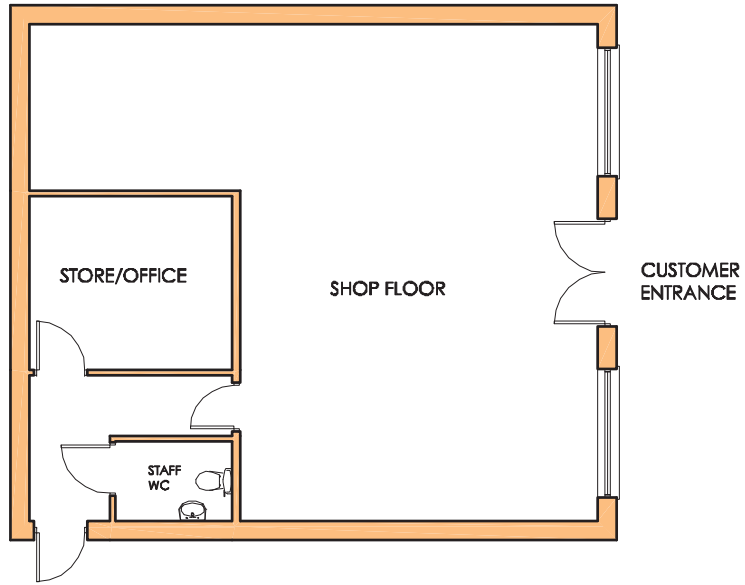
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HOUSE TYPE F - PLANS	
OCT 2018	Scale : 1:100 @ A3
DRAWING NO	REVISION



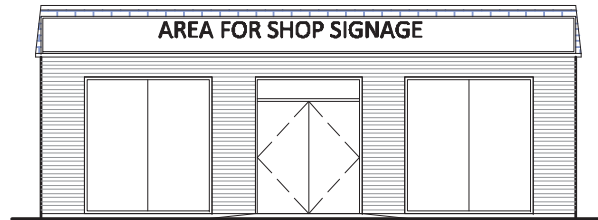
SIDE ELEVATION



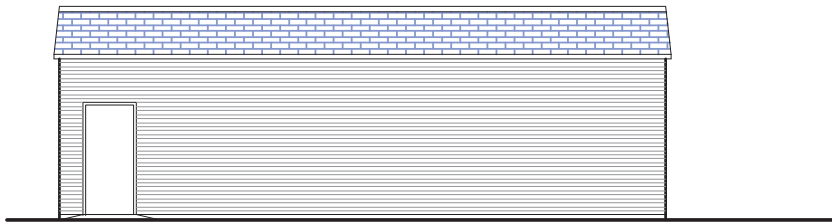
REAR ELEVATION



CONVENIENCE STORE PLAN



FRONT ELEVATION



SIDE (DELIVERIES) ELEVATION

Page 75

DRAWING TITLE	
CONVENIENCE STORE	
OCT 2018	Scale : 1:100 @ A3
DRAWING NO	REVISION

Statement from Local Ward Member

Coppy Farm in Gwernaffield has finally come to Planning Committee with the correct decision, 'REFUSAL', what a relief for the residents, many have been extremely worried about this proposal.

The Planning Committee will be aware of the recent significant background of planning history at this location.

Gwernaffield is a category C or Tier 4 Small Village Status where a housing development will only be permitted adjoining settlement boundaries related to scale, character, rate of the settlement or delivers local need affordable housing.

There is insufficient evidence provided to justify this inappropriate development in open countryside and does not accord with the UDP also the proposed LDP or National policy.

Gwernaffield does not have the infrastructure to support the growth in population, the roads would have to cope with tremendous increase in traffic and potential of 240 cars and utility vehicles etc. There would be an increase of traffic pollution and pressures on various amenities. The sewage system is under capacity and unable to cope with current demand and obviously not able to cope with 80 new homes, there have been problems over the years with the system, last year the problem affected Rhual on the edge of Mold with 5 acres of land being affected by raw sewage.

The applicant seeks to maximise the development on this site with no regard to the appropriateness or impact on residents, the proposal is contrary to guidance Sec. 3 Edition 10 PPW, in relation to good design, policy etc.

Form, density and layout of the proposed development is unacceptable and would be detrimental to Gwernaffield.

There would be loss of AGRICULTURAL LAND Grade 3b and 3a PPW states Grade 1,2,3a is best land and most versatile and should be conserved as a resource for the future.

Small farms with Grade 1,2, 3a,3b land should be retained as they are valuable for various farm usage. Council Holdings have been sold making farms like Coppy Farm a much needed start in agriculture, these farms maintain biodiversity and where appropriate enhance the intrinsic traditional rural character of the area.

There are policies to protect the open countryside, L1, STR1, STR7, GEN1,3,4, WB2 agricultural which should be protected from development. TWH2, WB1, AC13 Access and Traffic Impact. HSG3, RE1 Protection of Agricultural Land and HSG10 affordable housing.

There is No Justification for permission to be given to this proposal and I ask all members of the Planning Committee to support the Officers recommendation to REFUSE.

Statement from Community Council

Planning Application Reference N0:059396 Proposal: Erection of 80 dwellings, convenience store and associated development Location: Cobby Farm, Cilcain Road, Gwernaffield, Mold, Flintshire, CH7 5DQ

At a public meeting, **the Community Council unanimously objected** to this application.

It goes against Flintshire Council's adopted UDP and proposed LDP and hence was not accepted as a candidate site. This site does not comply with the Council's Preferred Strategy due to its position in the settlement hierarchy. A Ministerial statement dis-applies paragraph 6.2 TAN 1. removing any reference to attaching "considerable" weight to the lack of a 5-year housing land supply when considering planning applications for housing.

There is an adverse impact on residential amenity in terms of hours of use, loss of privacy, loss of light, over dominance, noise, traffic on residential amenity. The Community Council regularly liaise with Streetscene about the poor condition of the roads in Gwernaffield village, problematic for vehicles pedestrians and cyclists and the proposal would worsen the roads.

Has an adverse Impact on the character and appearance of the area. The Community Council does not believe the current proposal is an appropriate housing need for a small village or the surrounding area and will have a negative visual impact on the village in terms of density, design and scale and public safety with significant increase in traffic.

Adverse impact on community facilities. Gwernaffield does not have sufficient facilities or services to ensure basic daily needs of its residents can be met. There is presently a small shop and post office in Pantymwyn, which is primarily used by a small number of residents and the local primary school is currently stretched.

Yours sincerely

Community Council

Statement from Agent

This is an application for housing on a sustainable site partly within the development boundary of Gwernaffield and within walking distance of local facilities including:

- Local Primary School
- Children's play area
- Public Houses
- Golf Course
- Employment Area
- Places of Worship
- Community Hall

The site is well served by public transport and would also deliver at the front-end of the development a local community convenience store. Such a facility will be significant benefit to the community of Gwernaffield, adding to its sustainability as a community with good social and commercial infrastructure. The importance of providing this local convenience store as part of the development has only become more evident during most of 2020 where communities need the ability to carry out their day-to-day shopping needs within their community. This proposal is firmly aligned with the Well-being of Future Generations Act.

This proposal was discussed at length with planning officers prior to submission and before formal submission officers agreed *"that the site is a supportable sustainable site"* and could be supported by officers. The response received from a Senior Planning Officer who had clearly weighed all factors affecting the planning balance of the proposal noted:

"I feel that the meetings throughout this process have been productive and I am looking forward to seeing the planning submission.

I'd like to thank you for your diligence in obtaining the required reports, which should greatly assist the LPA in determining the application. it is still my informal opinion that the development is acceptable in principle".

Statement from Local Residents Group - Objector

Application Reference No: 059396

Address: Copsy Farm, Cilcain Road, Gwernaffield, Mold, CH7 5DQ

Objector to this application, for the following reasons:

- It is not in accordance with the Council's UDP, Local Development Plan, Preferred Strategy or Planning Policy Wales and related policies
- if approved it would prejudice the agreed plan-led system and undermine the LDP process and its submission to WG
- insufficient evidence to support speculative development as the emerging LDP meets County requirements for housing
- the 'Candidate Site Assessment' said the site was 'not considered to be suitable to be allocated or included in the settlement boundary.'
- Site IS visible from the highway (despite what the application says)
- it is full of other inaccuracies (regarding Accessibility & Sustainability) and omissions (e.g. Drainage Systems (SuDs) standards and Ecology Report)
- Gwernaffield is not a Sustainable settlement - it does not have sufficient facilities or services to meet basic daily needs; is not on the core bus network; does not have a well serviced infrastructure and there are no employment opportunities.
- Gwernaffield is not Accessible - it is 2.3 miles from Mold centre with a steep hill climb, 100 metres high, from Mold which is unlikely to see a shift towards sustainable modes of travel
- It is not a site allocated for housing. The proposed development is inappropriate in scale and nature and would result in a 22% increase in dwellings. The Council's own assessment of development that could be sustainably accommodated was less than 10%; the village has already achieved 4.1% of this.
- The proposed house types are of standard design and no attempt has been made to create a bespoke 'village' design.

Statement from Local Resident - Supporter

Hi,

We are looking to buy a first house in mold or Gwernaffield and notice all planning seems to be getting rejected.

Please accept this as local residents saying yes to new houses as there are not any 2 bed new builds available for sale at the moment.

Thank You

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 2ND DECEMBER 2020**

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

SUBJECT: **GENERAL MATTERS - PROPOSED AMENDMENT TO SECTION 106 AGREEMENT - RESIDENTIAL DEVELOPEMENT AT CROES ATTI, FLINT**

1.00 APPLICATION NUMBERS	
1.01	Planning permission reference 049154 for outline planning permission for residential and other uses.
2.00 APPLICANT	
2.01	N/A
3.00 SITE	
3.01	Land at Croes Atti, Flint shown on the attached plan – Appendix 1.
4.00 APPLICATION VALID DATE	
4.01	
5.00 PURPOSE OF REPORT	
5.01	<p>To seek authority to vary the Section 106 Agreement (pursuant to Section 106A of the Town and Country Planning Act 1990), associated with the development of the Land as follows:</p> <ol style="list-style-type: none"> 1. To increase the area of land to be transferred to the Council for the proposed school site; 2. To extend the time limit to commence development of the school site; and 3. To remove the requirement for the developers to retain land for use as a health centre. <p>The proposed variations are summarised at paragraph 6.08.</p>
6.00 REPORT	

6.01	The site comprises 27 hectares and was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, health centre, infrastructure works, landscaping, education and community facilities.																								
6.02	This site is subject to a Section 106 Agreement which sets out a number of requirements. These includes the provision of land for public open space, a health centre, education and community facilities. The site has been developed in line with a Development Brief which sought to create modern residential neighbourhoods which have a strong local identity and encourage a sense of community.																								
6.03	An area of 1.5 hectares of land was specifically set aside for the provision of a school which constituted the contribution from the developer for education requirements. This included an additional 1.0ha of land for a school extension if needed. This facility met the required policy standards and its delivery is secured by virtue of the Section 106 Agreement. However, the S106 agreement also requires that 0.9ha of the area of the 1.5 ha set out aside for education land was required for the dual use of a school playing field and a village green.																								
6.04	The table below sets out the proportion of land allocated for use in the S106 agreement.																								
<table border="1"> <thead> <tr> <th data-bbox="362 1270 560 1337">Existing S.106 requirement</th> <th data-bbox="584 1270 671 1301">Land</th> <th data-bbox="863 1270 951 1301">Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="362 1339 839 1406">Village green* / school playing field</td> <td data-bbox="850 1339 839 1406"></td> <td data-bbox="863 1339 951 1370">0.9ha</td> </tr> <tr> <td data-bbox="362 1413 539 1444">School land</td> <td data-bbox="850 1413 839 1444"></td> <td data-bbox="863 1413 951 1444">0.6ha</td> </tr> <tr> <td data-bbox="362 1451 687 1482">School extension land</td> <td data-bbox="850 1451 839 1482"></td> <td data-bbox="863 1451 951 1482">1.0ha</td> </tr> <tr> <td data-bbox="362 1489 520 1520">Sub Total</td> <td data-bbox="850 1489 839 1520"></td> <td data-bbox="863 1489 951 1520">2.5ha</td> </tr> <tr> <td data-bbox="362 1527 715 1559">Shop/Community centre</td> <td data-bbox="850 1527 839 1559"></td> <td data-bbox="863 1527 963 1559">0.55ha</td> </tr> <tr> <td data-bbox="362 1565 571 1597">Health Centre</td> <td data-bbox="850 1565 839 1597"></td> <td data-bbox="863 1565 963 1597">0.45ha</td> </tr> <tr> <td data-bbox="362 1603 448 1635">Total</td> <td data-bbox="850 1603 839 1635"></td> <td data-bbox="863 1603 951 1635">3.5ha</td> </tr> </tbody> </table>		Existing S.106 requirement	Land	Area	Village green* / school playing field		0.9ha	School land		0.6ha	School extension land		1.0ha	Sub Total		2.5ha	Shop/Community centre		0.55ha	Health Centre		0.45ha	Total		3.5ha
Existing S.106 requirement	Land	Area																							
Village green* / school playing field		0.9ha																							
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Sub Total		2.5ha																							
Shop/Community centre		0.55ha																							
Health Centre		0.45ha																							
Total		3.5ha																							
*The village green element (0.9ha) has already been provided.																									
6.05	A proposal to replace the existing Ysgol Croes Atti, Flint, with a new school on this site, is included in the Council's agreed Strategic Outline Programme for the Welsh Governments 21st Century Schools' Investment Programme, Band B.																								
6.06	The rationale for the amendment to the S106 agreement is on the basis of the Council's strategic intent to deliver a new school and																								

that the concept of a dual use open space serving as a school playing field is unsuitable from a school safeguarding perspective.

6.07 Discussions between officers and the developers have taken place, during which the Council confirmed that the dual use arrangement for public open space and school playing field is unsuitable to meet the necessary required school provision. In addition, to adequately future-proof the school site 2.5ha of land would be required.

6.08 The above discussions have been positive, with the developers content to proceed with a deed of variation to the Section 106 Agreement. The table below sets out the proposed changes :-

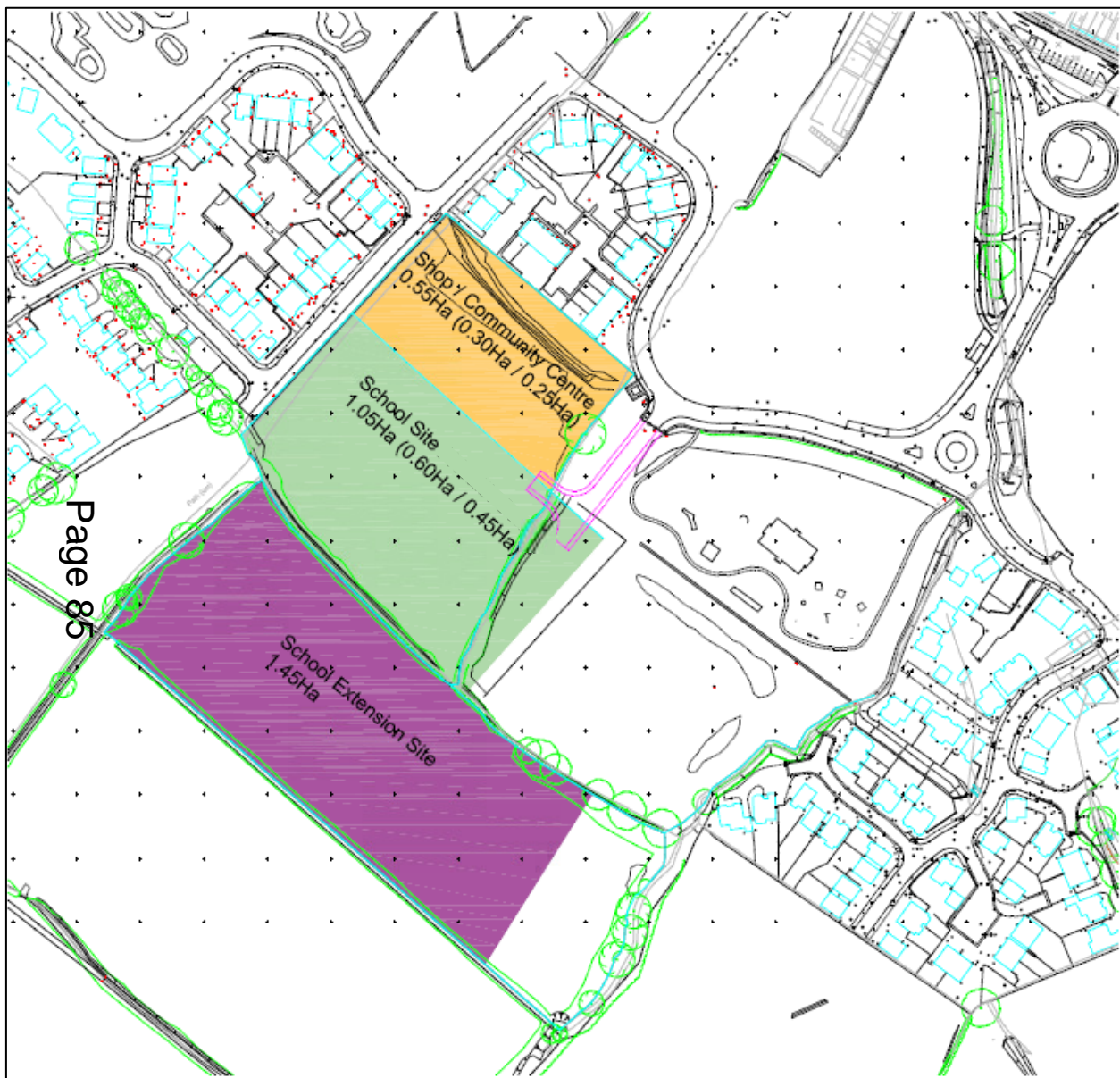
S.106 Requirement	Area	Provided on site	Proposed Requirement	Amendment
Village green / school playing field	0.9ha	0.9ha	No change (already provided)	N/A
Shop/community centre	0.55ha		No Change	N/A
Sub total	1.45ha			
Health Centre	0.45ha		0.0ha	Removal of requirement
School land	0.6ha		1.05ha	An addition of 0.45ha of land (as above)
School extension land	1.0ha		1.45ha	0.45ha New Land
Total	3.5ha	0.9ha	2.5ha	

6.09 The additional land (noted in the above table as school extension land 1.45ha) shown in purple on the attached plan, would be required in order to facilitate appropriate school design and to ensure that the school site is future proofed.

6.10 Officers have consulted with Betsi Cadwaladr University Health Board who have confirmed that they have no interest in use of the land currently set aside for a Health Centre. Members will already be aware that The Health Board has strategically invested in new Health Centre provision within the towns of Flint, Holywell, Buckley, Connah's Quay and Mold. There is therefore no likely prospect or need for Betsi Cadwaladr to utilise the land set aside for a Heath Centre.

6.11 Whilst it is the intention to develop the proposed school project as soon as practically possible (subject to appropriate approvals) it is

	requested that the date required to commence development of the school be extended to allow flexibility if progress is adversely affected by the global pandemic.
7.00	RECOMMENDATIONS
7.01	That the Section 106 Agreement relating to the Land be varied to provide: <ol style="list-style-type: none"> 1. An increase in the land constituting the School Site from 0.6ha to 1.05ha and requiring that land to be transferred to the Council. 2. Removal of the requirement to retain 0.45 ha of land for use as a Health Centre 3. An increase in the school extension land from 1.00ha to 1.45ha. 4. To extend the date required for commencement of development of the school on the school site to 10 years from the date of varied agreement.
8.00	LIST OF BACKGROUND DOCUMENTS <ul style="list-style-type: none"> • Planning Application & Supporting Documents • Section 106 Agreement dated 31st August 2012
9.00	Contact Officer: Damian Hughes / Mandy Lewis Telephone: damian.hughes@flintshire.gov.uk mandy.lewis@flintshire.gov.uk Email: 01352 704135 / 01352 703248



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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **2nd DECEMBER 2020**

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

SUBJECT: **061720 – FULL APPLICATION - SUN ROOM & GARAGE EXTENSION WITH BEDROOM EXTENSION ABOVE.**

APPLICATION NUMBER: **061720**

APPLICANT: **MR M PEERS**

SITE: **7 PINWOOD ROAD, DRURY, BUCKLEY, CH73JZ**

APPLICATION VALID DATE: **3rd SEPTEMBER 2020**

LOCAL MEMBERS: **COUNCILLOR D.HUTCHINSON AND COUNCILLOR M.J.PEERS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **APPLICANT IS COUNTY COUNCILLOR AND MEMBER OF PLANNING COMMITTEE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 In accordance with the Council's Planning Code of Practice, applications for planning permission by County Councillors should be determined by the Planning Committee (the Committee).

However, on the 19th of October 2020 planning permission was granted pursuant to this application under the delegated decision process, without the application having first been considered by the Committee.

The planning permission that has been issued is for the erection of a sun room & garage extension with bedroom extension above at 7 Pinewood Road, Drury, Buckley. The main issues considered, that gave rise to the grant of planning permission, were the character and appearance of the proposal and any impact on existing or proposed living conditions. These matters are more fully set out in sections 6 to 7 of this report.

Given that the application should have been determined by the Committee there are two options open to the Committee at this stage, as follows:

1. Firstly, if the Committee are certain that (had the application been considered by them prior to the grant of planning permission) they would have resolved to grant planning permission then the Committee can formally ratify the grant of the planning permission that was issued on the 19 October 2020, and the applicant can then implement the permission that has already been issued on that date. The Committee may reach this view if they consider that the development is in accordance with the development plan and planning policy, and that no other material considerations would have led to a refusal of permission by the Committee. If this is the case then the Committee can resolve to approve the recommendation at paragraph 2.01 of this report; or
2. If the Committee consider that (had the application been considered by them prior to the grant of planning permission) they may have refused planning permission, and that it is expedient to do so, then the permission can be revoked under Section 97 of the Town and Country Planning Act 1990 (the Act). In deciding whether to revoke a planning permission the Committee shall have regard to the development plan and to any other material considerations. A revocation under Section 97 of the Act gives rise to a statutory right to compensation under Section 107 of the Act in respect of expenditure rendered abortive by the revocation order, and for any other loss or damage directly attributable to the revocation order. If the Committee considers that planning permission should be revoked then the Committee can resolve to approve the recommendation at paragraph 2.02 of this report.

2.00 RECOMMENDATIONS:

- 2.01 The planning permission is in compliance with the development plan and no other material considerations would have led to planning permission being refused by the Committee, and the planning permission should not therefore be revoked; or

2.02 That the planning permission granted on the 20 October 2020 shall be revoked.

3.00 CONSULTATIONS

3.01 Local Member Councillor D Hutchinson
No comment at the time of writing.

Buckley Town Council
No objection.

Highways Development Control
No objection.

Community and Business Protection
No objection.

Tree Preservation Officer
No comment at time of writing.

Natural Resources Wales
No objection

Ecology

The location is within a large area of housing and not immediately adjacent to good foraging habitat so the risk of bats being present is likely to be low but advise a Note to applicant:

All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981 as amended. You are advised that should a bat be found then work must cease and Natural Resources Wales or the County Ecologist contacted for advice on any special precautions before continuing.

4.00 PUBLICITY

4.01 No letters of objection received.

5.00 SITE HISTORY

5.01 **056669** - Erection of sunroom and garage extension with bedroom extension above. - **Approved 20/04/2017**

6.00 PLANNING POLICIES

6.01 **Flintshire Unitary Development Plan**

- HSG12 House extensions and alterations
- GEN1 General requirements for development

- GEN2 Development inside settlement boundaries
- D1 Design quality, location and layout
- D2 design

Supplementary Planning Guidance

- SPGN1 Extensions and Alterations to Dwellings
- SPGN2 Space around dwellings

National Planning Policies:

- Planning Policy Wales (PPW) Edition 10

7.00 PLANNING APPRAISAL

7.01 Introduction

This full planning application proposes the erection of a sun room & garage extension with bedroom extension above at 7 Pinewood Road, Drury, Buckley.

7.02 The application site is a two storey detached dwelling finished in brick with attached single garage. The surrounding area is predominantly residential with the majority being two storey detached homes situated on moderate size plots with a good size front and rear gardens.

7.03 Proposed Development

The proposed development is sought for the erection of a single storey rear extension to replace the existing conservatory. The proposal will be of similar dimensions, extending approximately 3.5m from the rear of the property. The proposal will include a pitched roof containing three roof lights. There is one large window and three high sills levels facing the neighbouring property at number 5. Additionally, there is one French door located on side elevation which would open out onto the rear garden and two windows proposed on the rear elevation.

7.04 The proposal also includes the extension of the existing garage, approximately 1.8m wider to allow for an enlarged garage and foyer area that would include a utility room and downstairs W.C.

7.05 In addition to this the proposal includes a first floor extension above the garage to allow for two additional bedrooms. The proposal will extend approximately 4.6m wide and approximately 7m in length. The proposal will include a pitched roof designed with a gable end situated with a lower ridge height than the existing dwelling. There is one proposed window on the first floor front elevation and two windows in the first floor rear elevation.

- 7.06 Principle of Development:
The proposed development is located within the settlement boundary of Drury a small village situated on the outskirts of Buckley. GEN2 states that development will normally be permitted within settlement boundaries.
- 7.07 HSG12 states extensions or alterations to existing dwellings will be permitted provided that the proposal:
- is subsidiary in scale and form to the existing dwelling, and does not represent an overdevelopment of the site;
 - respects the design and setting of the existing dwelling and surrounding area; and
 - will not have an unacceptable impact on people living nearby.
- 7.08 Supplementary Planning Guidance Note 1 paragraph 2.2 and the justification and explanation to Policy HSG12, state that as a general guide, house extensions should not be more than 50% of the original floor space and extensions that are out of scale and character will not be permitted.
- 7.09 GEN1 and D1 states that development should harmonise with the site and surroundings in terms of the siting, scale, design, layout, use of space, materials, external appearance and landscaping.
- 7.10 PPW10 introduces the concept of placemaking whose positive implementation through good design is to ensure peoples and community well-being. PPW states that good design is fundamental to achieving sustainable places and is not simply about the architecture of a building or development but the relationship between all elements of the natural and built environment and between people and places.
- 7.11 Scale of Development
In terms of scale as the dwelling is located on a sizeable plot the proposal will retain adequate amenity area once built. It is considered that the proposed extensions are subordinate in scale and as they form less than 50% of the original floor space the proposal will not create overdevelopment of the site.
- 7.12 The acceptability of this proposed scale of development however, needs to be considered in conjunction with its proposed design and impact on the living conditions of occupiers of adjacent properties, which are referenced in detail below.
- 7.13 Character and Appearance
The proposal would utilise materials which will match the existing pallet seen within the existing dwelling. Numerous properties within the area have similarly designed extensions therefore, it is considered that the proposal will be reflective of the existing dwelling and

character of the surrounding area. It is considered that the proposal is designed to complement the character of the existing dwelling.

7.14 Neighbouring Living Conditions

The proposed extensions are located off the common boundaries of the neighbouring dwelling. The boundary line consists of mature dense hedges. It is considered that the proposed extensions will not overlook or cause a loss of privacy to the surrounding neighbours. The proposed extensions are considered to be well designed and not deemed as intrusive to cause a negative impact on the neighbouring properties. Overall, it is considered that the proposal will not have a detrimental impact on the neighbouring adjacent living conditions.

7.15 The relationship of the existing neighbouring property and this proposed single storey rear extension which does not protrude a significant amount passed the neighbouring property means that the proposal is compliant with the 45 degree guidance as set out in SPG1. Furthermore, the existing plans illustrate that there is a fully glazed conservatory situated within the position of the proposed extension. The proposal is mainly brick therefore, the proposal is a betterment in terms of any potential overlooking.

8.00 CONCLUSION

The proposed extensions and alteration of the property is considered to be of appropriate form and scale relative to the existing dwelling and existing development and surrounding area. It is considered that there is no detrimental impact on the living conditions of neighbouring occupiers and it is in accordance with policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan, and Supplementary Planning Guidance Notes 1 and 2.

In the circumstances it is recommended that members resolve to approve the recommendation at paragraph 2.01 of this report to ratify the previous grant of planning permission.

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.

8.02 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.

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

- 8.04 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

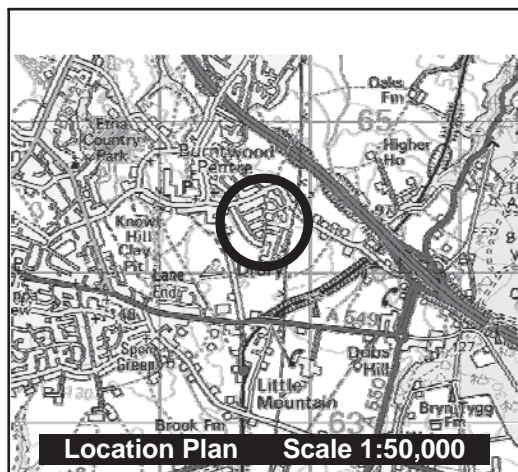
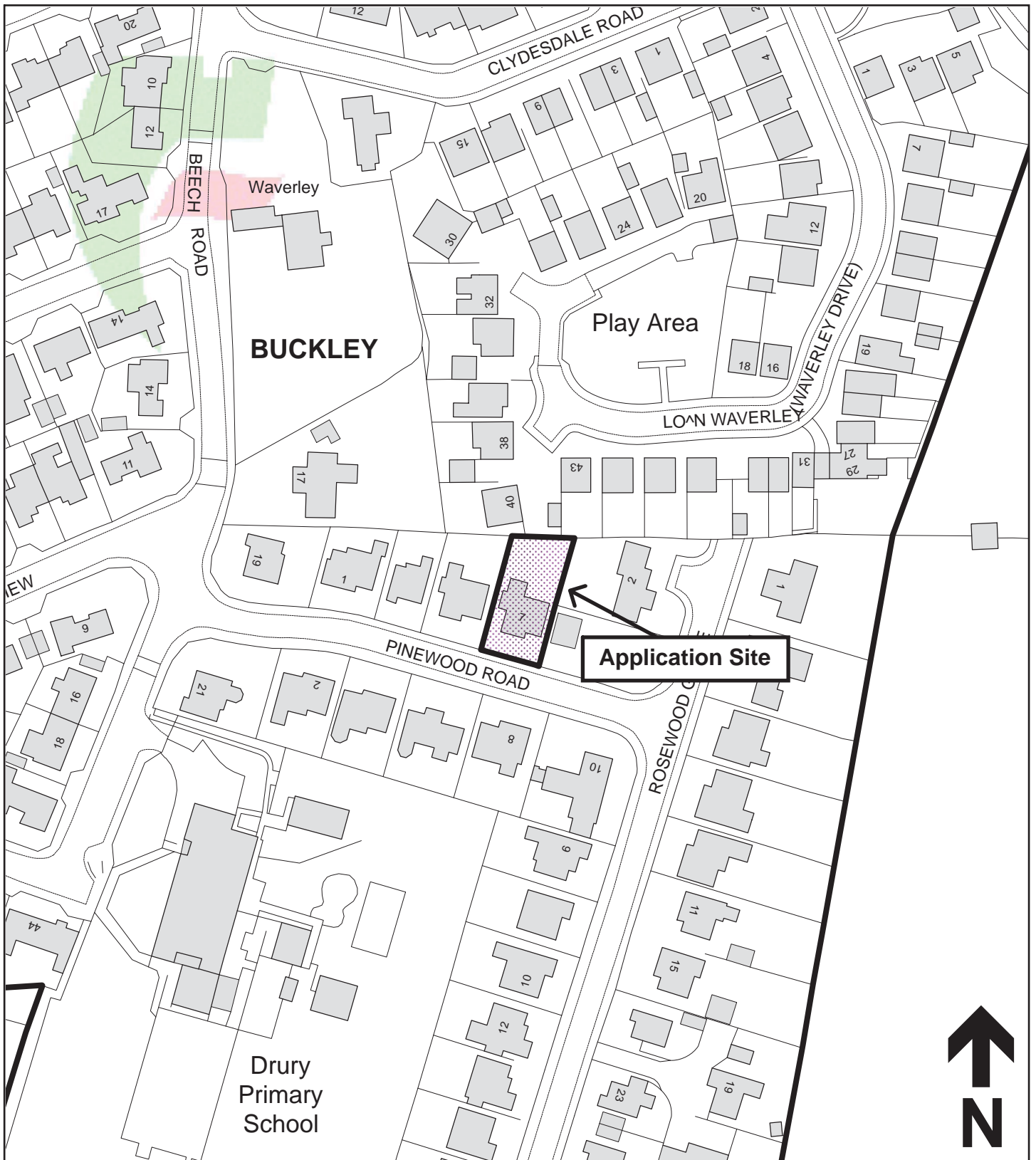
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer: Charlotte Lloyd-Randall
Telephone: 01352 703280
Email: charlotte.lloyd-randall@flintshire.gov.uk

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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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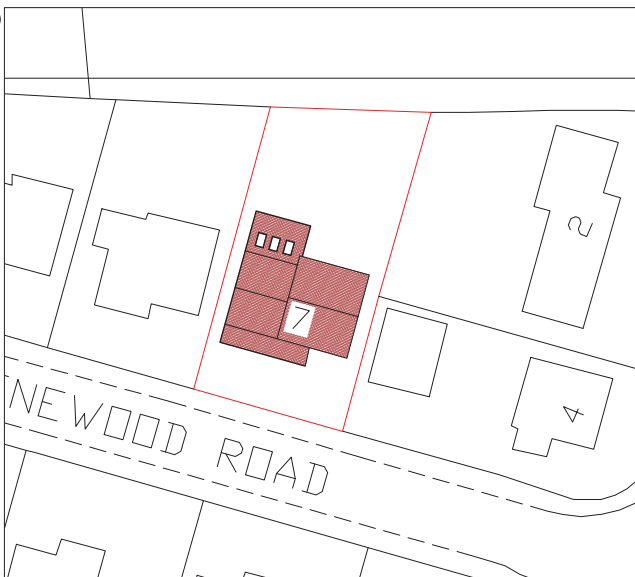
Map Scale 1:1250

OS Map ref SJ 2964

Planning Application **61720**

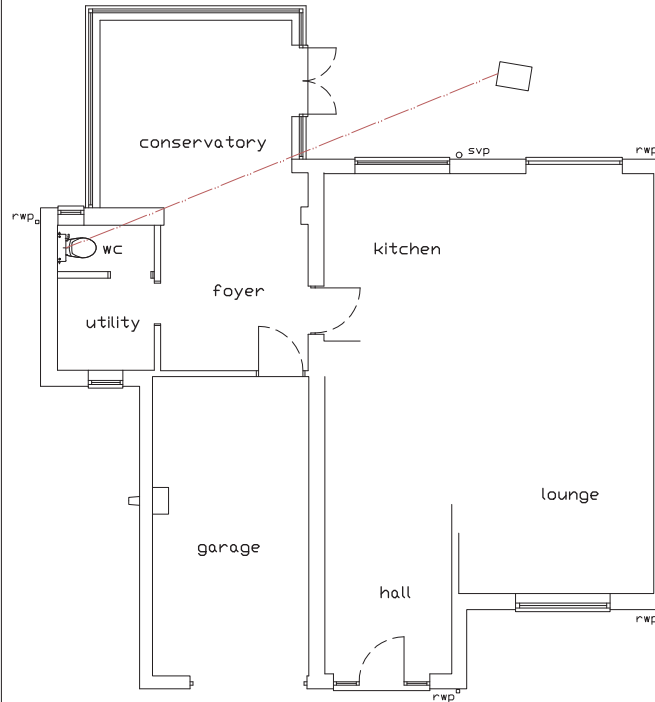


SITE LOCATION PLAN - Scale 1:2500

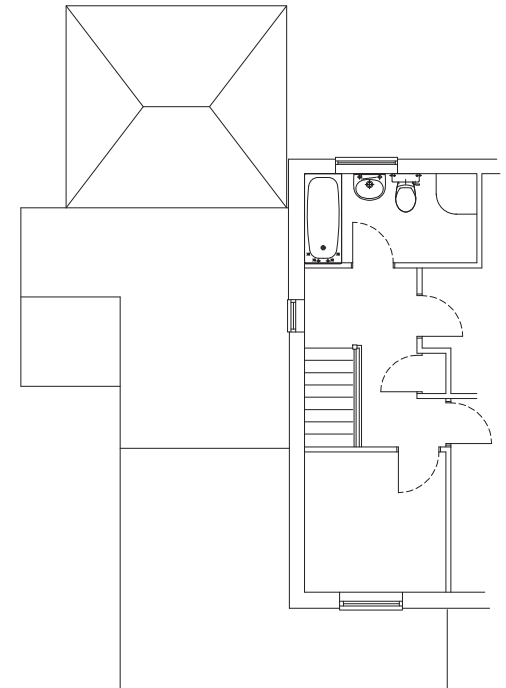


BLOCK PLAN - Scale 1:500

drawing to be read in conjunction with specification and any structural engineers details.



EXISTING GROUND FLOOR

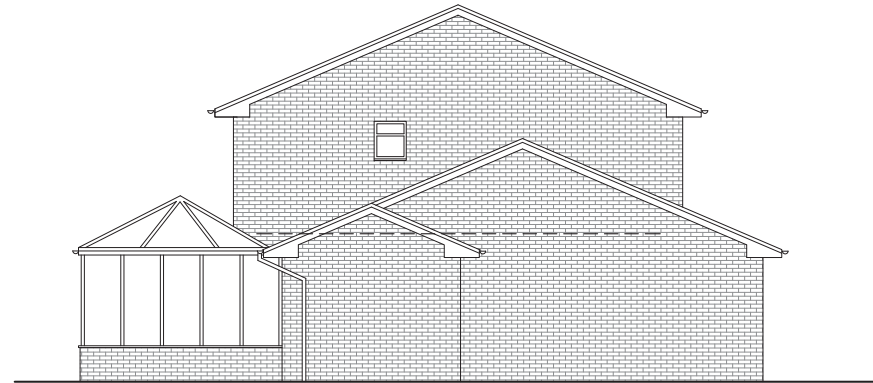


EXISTING FIRST FLOOR

		Project Sun room, bedrooms and garage extensions.	
		7 Pinewood Road, Drury.	
Studio 16, Mold Business Park, Wrexham Rd, Mold, CH7 1XP		Drawing title Location plan and existing plans	
T 01352 744889	F 01352 700769	E admin@jigarchitects.com	
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Scale 1:100 @ A3	Job No. JIG1398/16	Drawn jdi	Drawing No. B-A04
Date Oct '18			

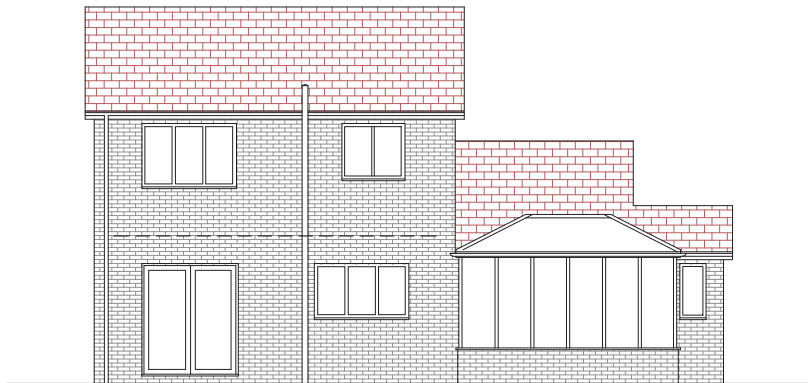


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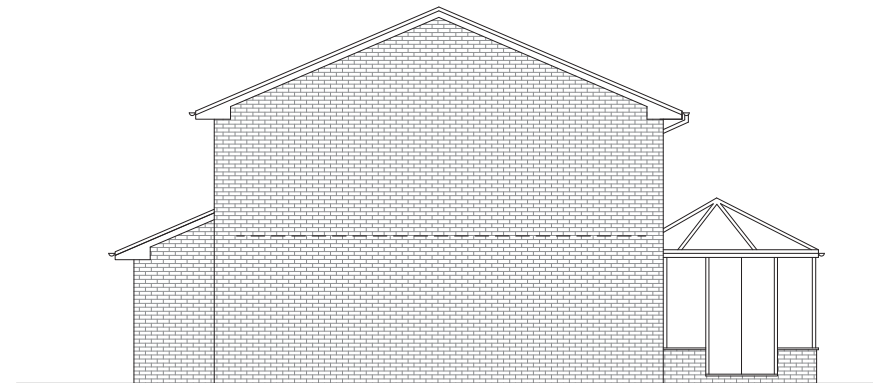


EXISTING SIDE ELEVATION


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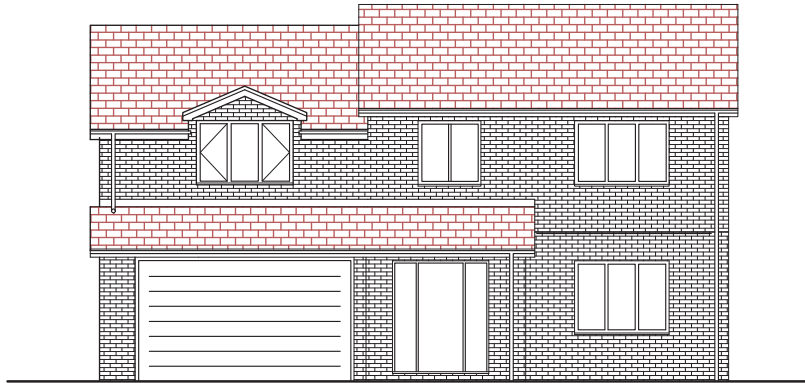


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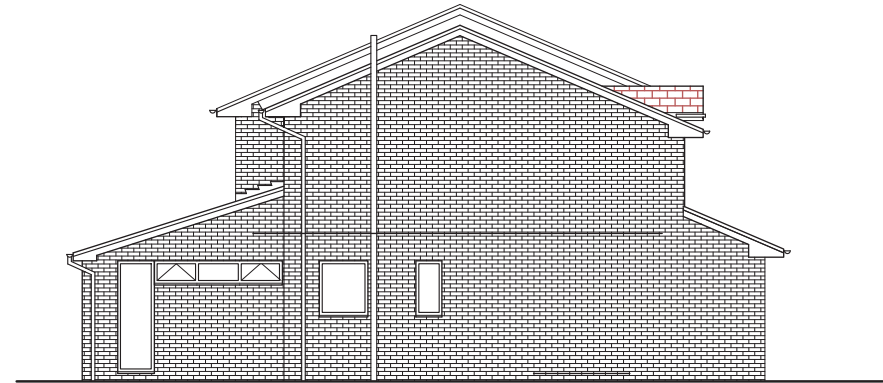


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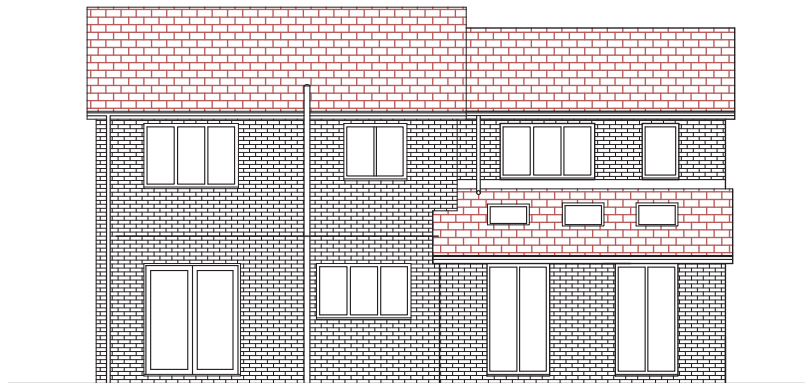
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		7 Pinewood Road, Drury.			
Studio 16, Mold Business Park, Wrexham Rd, Mold, CH7 1XP		Drawing title Existing Elevations			
T 01352 744889	F 01352 700769	E admin@jigarchitects.com	Client Mr & Mrs M Peers.		
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			Drawn jdi	Drawing No.	
			Date Oct '18	B-A05	



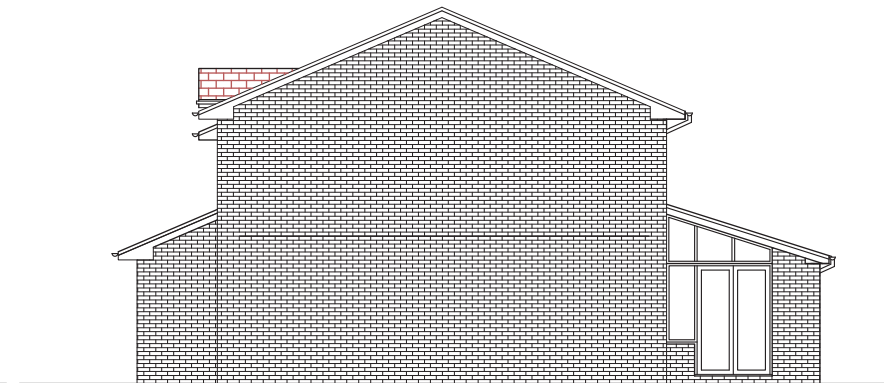
PROPOSED FRONT ELEVATION




PROPOSED SIDE ELEVATION



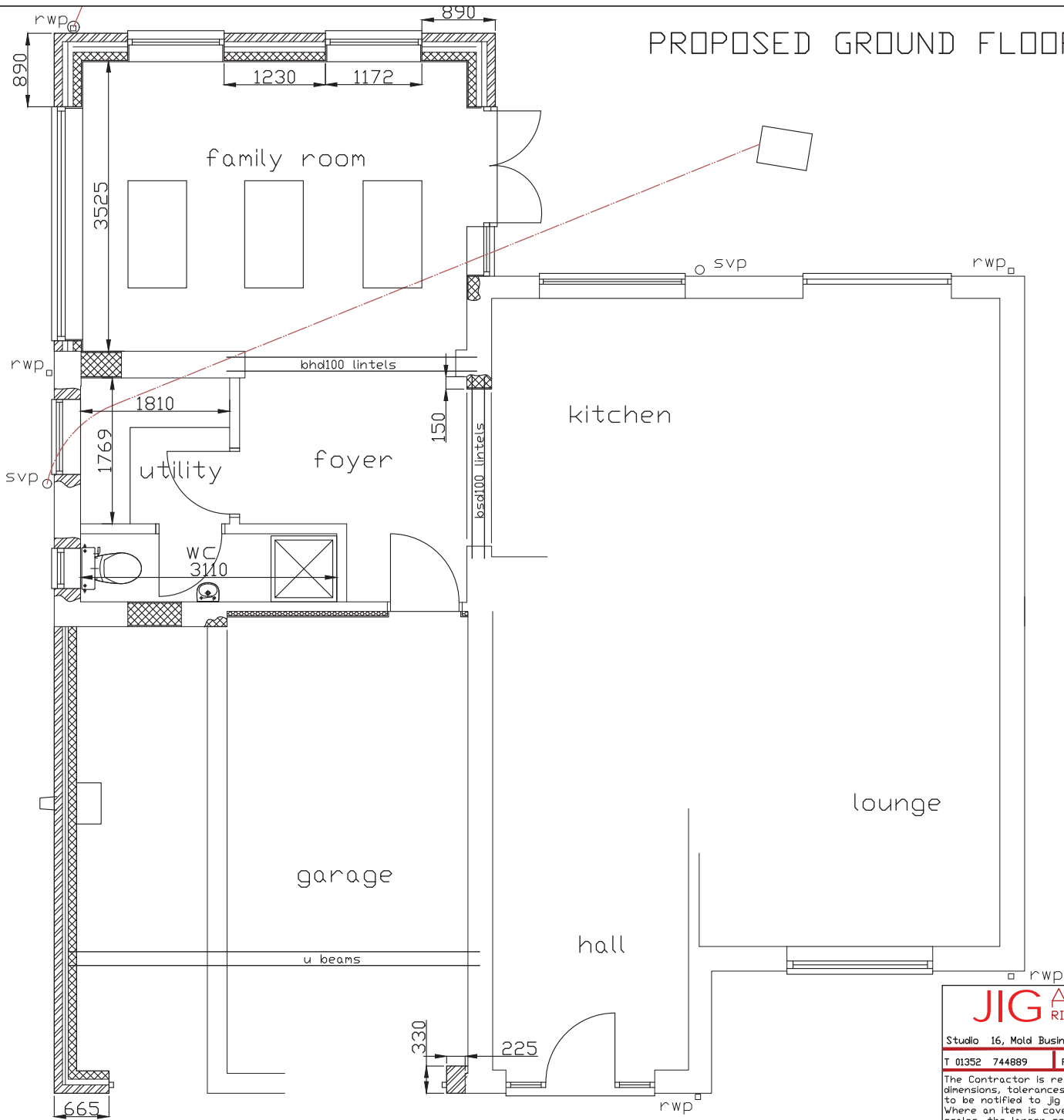
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

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Studio 16, Mold Business Park, Wrexham Rd, Mold, CH7 1XP		Drawing title Proposed Elevations					
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		Scale	1:100 @ A3	Job No.	JIG1398/16	Revision	
		Drawn	jdi	Drawing No.	B-A03 sk3		
		Date	Oct '18				

PROPOSED GROUND FLOOR



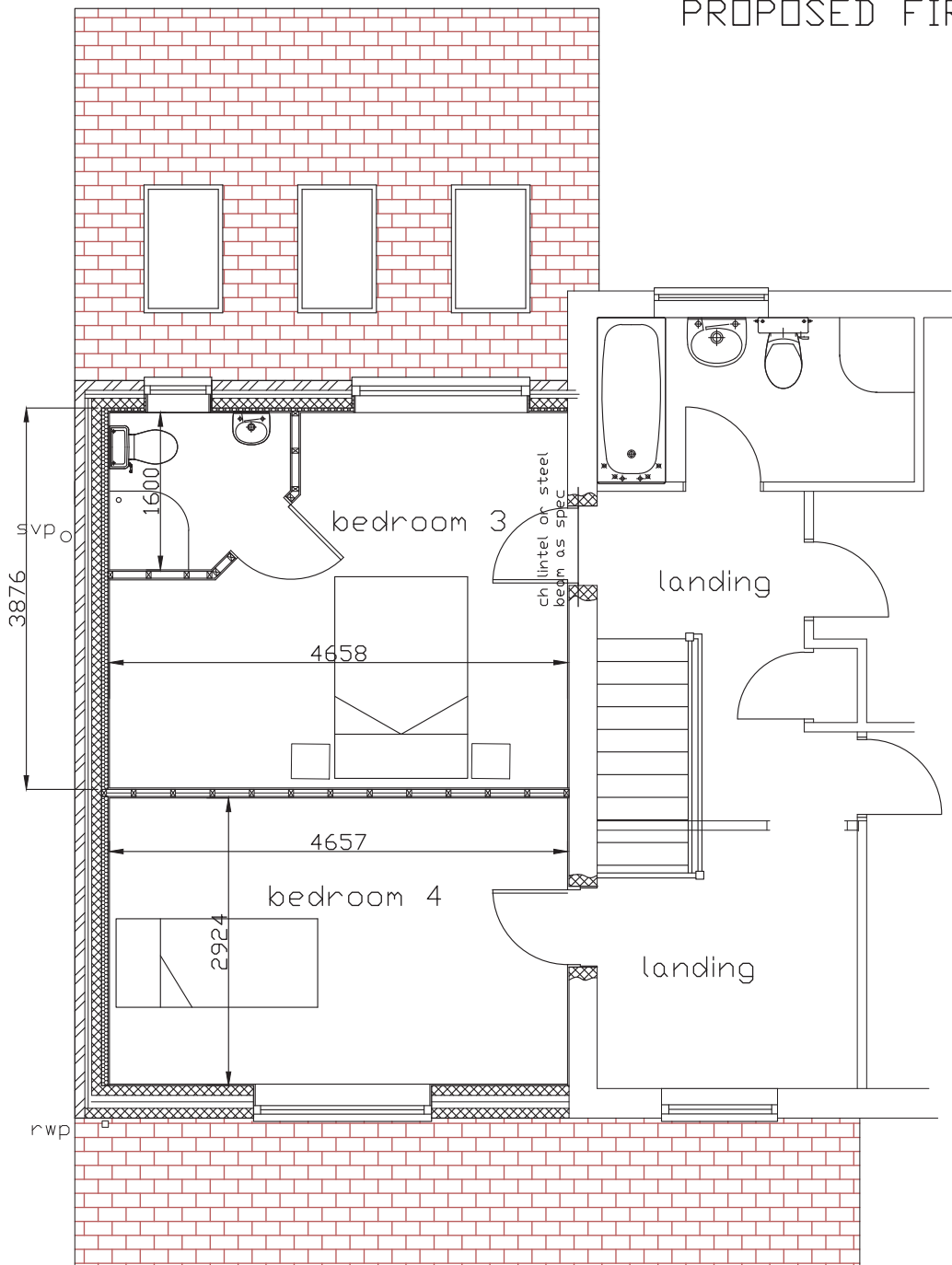
Page 99

		Project Sun room, bedrooms and garage extensions.	
		7 Pinewood Road, Drury.	
Studio 16, Mold Business Park, Wrexham Rd, Mold, CH7 1XP		Drawing title Proposed Ground floor	
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Scale 1:50 @ A3	Job No. JIG1398/16	Drawn jdi	
Date Oct '18	Drawing No. B-A01		

drawing to be read in conjunction with specification and any structural engineers details.

PROPOSED FIRST FLOOR

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drawing to be read in conjunction with specification and any structural engineers details.

		Project Sun room, bedrooms and garage extensions.	
		7 Pinewood Road, Drury.	
Studio 16, Mold Business Park, Wrexham Rd, Mold, CH7 1XP		Drawing title Proposed First Floor	
T 01352 744889	F 01352 700769	E admin@jigarchitects.com	
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Drawn jdi	Drawing No.		
Date Oct '18	B-A02		



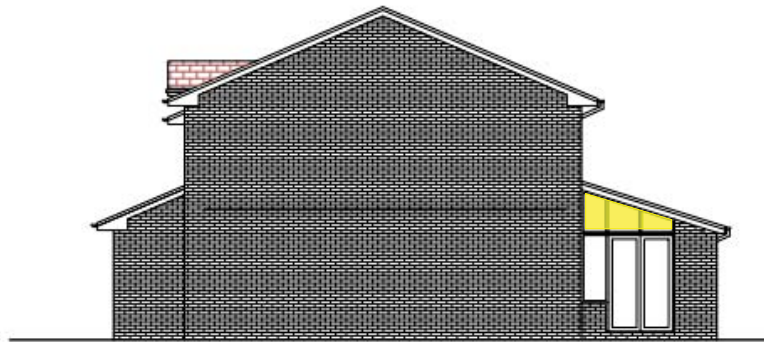
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

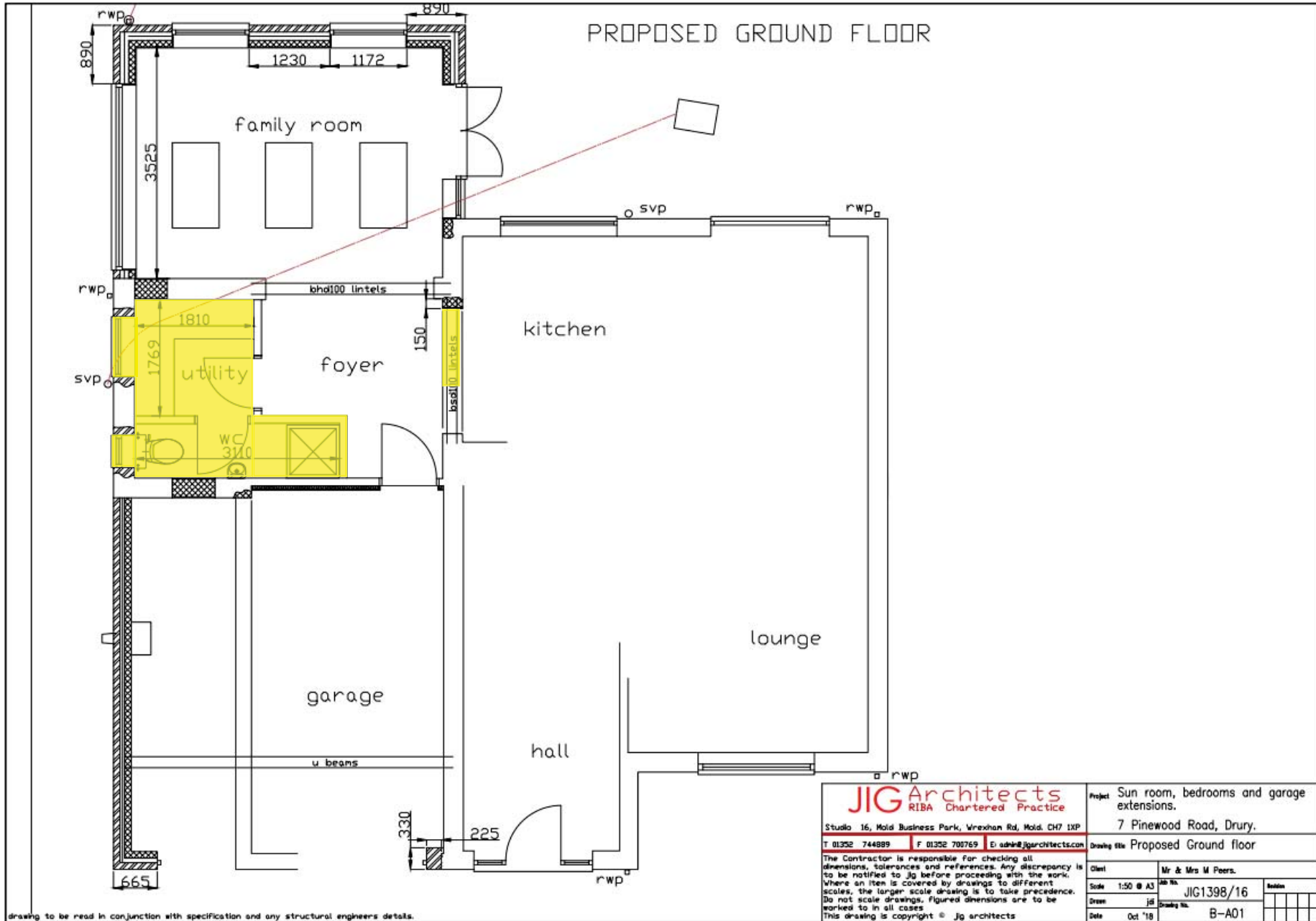


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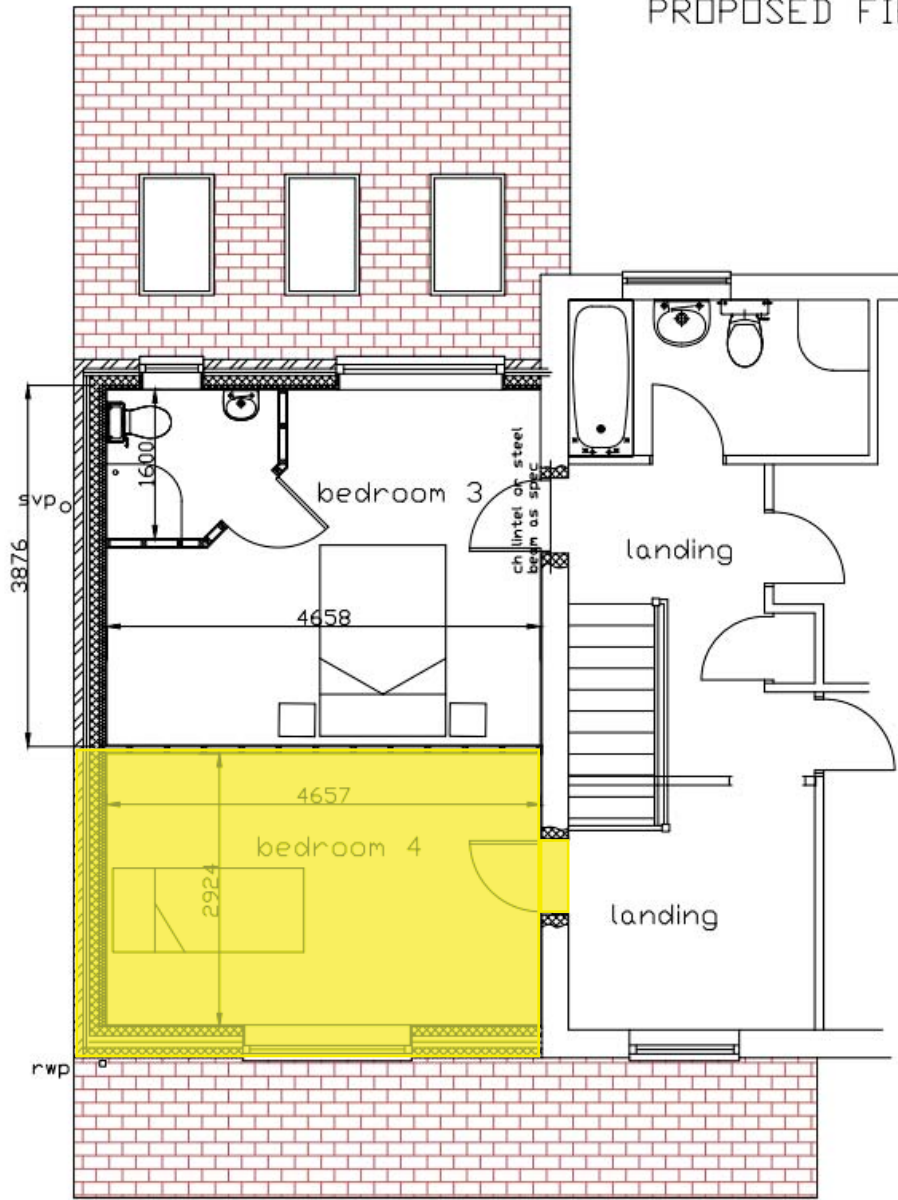


PROPOSED SIDE ELEVATION

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Drawn	jd	Drawing No.	B-A03 sk3
Date	Oct '18		

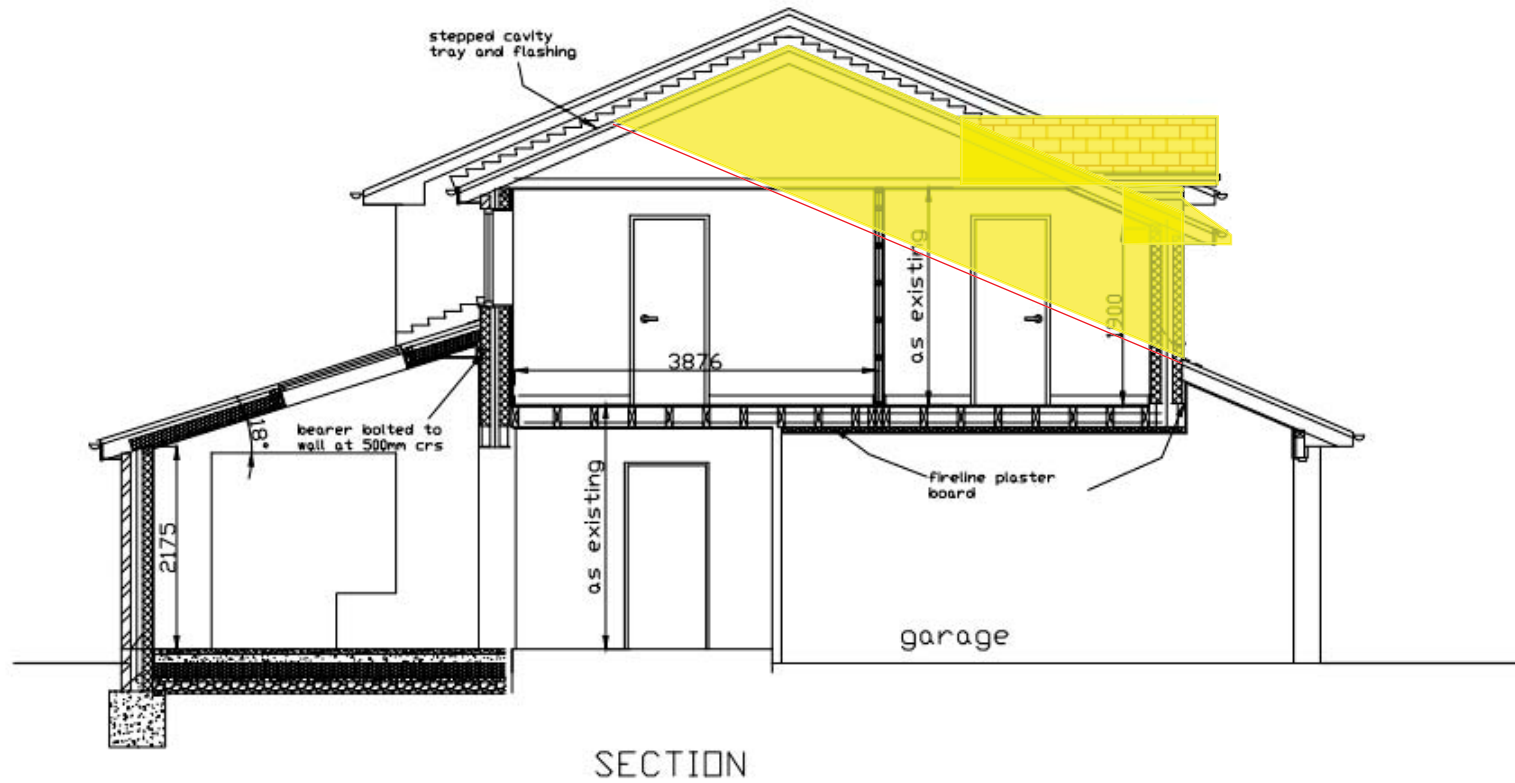


PROPOSED FIRST FLOOR



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		Drawing title Proposed First Floor	
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Scale 1:50 @ A3		Revision	
Drawn JG		Drawing No. B-A02	
Date Oct '18		[] [] [] [] [] [] [] [] [] []	



SECTION

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T 01352 744889	F 01352 700769	E info@jigarchitects.com	Drawing title Proposed Sections
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		Drawn	jd
		Date	Oct '18
		Drawing No.	JIG1398/16
		Revision	B-A06 sk3

drawing to be read in conjunction with specification and any structural engineers details.