

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

30 August 2017

Nicola Gittins 01352 702345  
nicola.gittins@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 6TH SEPTEMBER, 2017** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

This meeting will be filmed for live broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items.

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

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

## **A G E N D A**

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting held on 26 July 2017.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

The reports of the Chief Officer (Planning and Environment) are enclosed.

**REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**  
**TO PLANNING COMMITTEE ON 6 SEPTEMBER 2017**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
6.1	056694 - A	Full Application - Construction of 32 No. Dwellings Including New Vehicle Access Point, Public Open Space, Car Parking and Landscaping at Hawarden Road, Penyffordd. (Pages 11 - 36)
6.2	057185 - R	Outline Application for the Erection of 1 No. Dwelling at Land Adj. to Bryneithin, Gorsedd. (Pages 37 - 46)
6.3	057070 - A	Full Application - Erection of Single Storey Extension to Side and Rear of Dwelling at 18 Moorfield Road, Hawarden. (Pages 47 - 54)
6.4	056692 - A	Application for Removal of Section 106 Condition Following Grant of Planning Permission (P/12/24844) at Bannell House, Chester Road, Penymynydd (Pages 55 - 60)
6.5	057084 - A	Full Application - Extensions and Alterations to Create an 11 Bedroom House in Multiple Occupation at Pentre House, Chester Road, Pentre. (Pages 61 - 68)
6.6	057278 - A	Full Application - Erection of First Floor Extension at 1 William Close, Penyffordd. (Pages 69 - 74)
<b><u>Appeal Decision</u></b>		
6.7	055827	Appeal by Mr. P. Barlow Against the Decision of Flintshire County Council to Refuse Planning Permission for the Replacement of Existing Shed at Lloyds Sand & Gravel Maes Mynan Quarry, Denbigh Road, Afonwen - <b>ALLOWED</b> . (Pages 75 - 80)
6.8	055866	Appeal by Mr. J. Davies Against the Decision of Flintshire County Council Following the Refusal of Outline Planning for Erection of One Dwelling on Land Side of Bryn Goleu, Rhydymwyn Road, Gwernaffield - <b>DISMISSED</b> . (Pages 81 - 86)
6.9	055924	Appeal by Mr. S. Thomas Against the Decision of Flintshire County Council Following the Refusal of Planning Permission for Outline Planning for Erection of One Dwelling at Land Adjoining Coed Duon Nursing Home, Halkyn Road, Holywell - <b>DISMISSED</b> . (Pages 87 - 92)
6.10	056201	Appeal by Mr. C. Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of First Floor Extension Over Existing Bungalow at 86 Windsor Drive, Flint - <b>ALLOWED</b> . (Pages 93 - 96)

This page is intentionally left blank

## **PLANNING COMMITTEE** **26 JULY 2017**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 26 July 2017

### **PRESENT: Councillor David Wisinger (Chairman)**

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

**APOLOGIES:** Councillors: David Cox, Adele Davies-Cooke, David Evans and Richard Jones

### **ALSO PRESENT:**

The following attended as local Members:

Councillors Cindy Hinds and David Williams for agenda item 6.4 (056694)

### **IN ATTENDANCE:**

Chief Officer (Planning and Environment); Development Manager; Service Manager - Strategy; Senior Engineer - Highways Development Control; Senior Planners; Senior Solicitor and Committee Officers

## **16. DECLARATIONS OF INTEREST**

None.

## **17. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

## **18. MINUTES**

The draft minutes of the meeting held on 28 June 2017 were submitted.

Minute number 11 - Councillor Mike Peers pointed out that the webcasting notice on the front of the agenda did not reflect the advice given that recordings would be retained indefinitely on the website. The Senior Solicitor said that the notice would be amended accordingly.

### **RESOLVED:**

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

**19. ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) reported that none of the items were recommended for deferral, however agenda item 6.1 (055775) had been withdrawn by the applicant following publication of the agenda.

**20. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**RESOLVED:**

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

**21. APPEAL DECISIONS**

**APPEAL BY MR & MRS N. & N. MCCADDON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 17 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND ACCESS AT NORTHOP BROOK, THE GREEN, NORTHOP - DISMISSED (055555)**

Councillor Chris Bithell pointed out a typographical error in paragraph 5.01 of the report and asked that the name of the Inspector be included in future reports on appeal decisions, as previously requested.

Councillor Marion Bateman thanked the Planning Officer (Emma Hancock) for her work on this application and appeal.

**RESOLVED:**

That the decision of the Inspector to dismiss this appeal be noted.

**22. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

On commencement of the meeting, there were 17 members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 2.30pm)

.....  
**Chairman**

## PLANNING COMMITTEE ON 26 JULY 2017

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
055775	Northop Community Council	Full Application - Erection of a Crematorium with Associated Car Parking, New Access, Landscaping and Garden of Rest at Starkey Lane, Northop	-	Application withdrawn by the applicant.
055430  Page 7	Llanfynydd Community Council	Outline Application - Erection of 14 No. Dwellings at Former Spectrum Home & Garden Centre, Wrexham Road, Cefn-y-Bedd	The Planning Officer highlighted the amendment to Condition 18 and additional Condition 19 set out in the late observations, which had been previously circulated.  Members were advised that any suggested reduction in speed limit along the main road should be discussed with Streetscene colleagues.	That conditional permission be granted, in line with the officer's recommendation as amended by the late observations, and the applicant entering into a Section 106 Obligation/Unilateral Undertaking as detailed in the report.
056305	Buckley Town Council	Full Application - Demolition of Existing Outbuildings and Erection of New Detached Bungalow at Colros, 6 Ash View, Alltami		That planning permission be granted, in line with the officer's recommendation, subject to the conditions and the applicant entering into a Section 106 Obligation as detailed in the report.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
056694	Penyffordd Community Council	Full Application - Construction of 32 No. Dwellings Including New Vehicle Access Point, Public Open Space, Car Parking and Landscaping at Hawarden Road, Penyffordd	<p>Further comments received since publication of the report were set out in the late observations which had been previously circulated.</p> <p>On behalf of the Local Members, Councillor Patrick Heesom requested a site visit to resolve matters arising from the application.</p>	That the application be deferred for a site visit.
06779	Saltney Town Council	Full Application - Proposed Demolition of Existing Vacant Factory Building and Erection of 74 No. New Dwellings, New Access to the Site and Area of Public Open Space at Allied Bakeries Ltd., Chester Road, Saltney	<p>The Planning Officer highlighted the additional condition and amended plans and recommendation set out in the late observations which had been previously circulated.</p> <p>Councillor A.B. Gregory, speaking as a member of the public, raised some issues on the application.</p> <p>Mr S. Jones, agent for the applicant, spoke in support of the application.</p>	<p>That planning permission be granted, in line with the officer's recommendation as amended by the late observations, including:</p> <ul style="list-style-type: none"> <li>• no new material considerations being raised by the Town and Community Council by 5pm on Friday 28 July 2017; and</li> <li>• the applicant entering into a Section 106 Obligation/Unilateral Undertaking or early payment for contributions as detailed in the report but as amended, to provide for 9 intermediate affordable homes for sale at a discount market rate.</li> </ul>



ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
056832	Gwernymynydd Community Council	Outline Application - Erection of Detached Dwelling at 'Bwthyn Gwyn', Swan Lane, Gwernymynydd		That planning permission be granted, in line with the officer's recommendation, subject to the conditions detailed in the report.

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **FULL APPLICATION – CONSTRUCTION OF 32 NO. DWELLINGS INCLUDING NEW VEHICLE ACCESS POINT, PUBLIC OPEN SPACE, CAR PARKING AND LANDSCAPING AT HAWARDEN ROAD, PENYFFORDD**

**APPLICATION NUMBER:** **056694**

**APPLICANT:** **THE STRATEGIC LAND GROUP & GREEN GATES HOMES (NW) LTD**

**SITE:** **HAWARDEN ROAD, PENYFFORDD**

**APPLICATION VALID DATE:** **13.3.2017**

**LOCAL MEMBERS:** **COUNCILLOR MRS. C. HINDS**  
**COUNCILLOR D. WILLIAMS**

**COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

**SITE VISIT:** **YES – AT THE REQUEST OF LOCAL MEMBERS.**

Members will recall being invited to consider this application at the Planning Committee held on 26<sup>th</sup> July 2017. At this meeting a decision to defer the application, pending a site visit by the Members of the Committee, was made. This site visit has been undertaken by the Committee.

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

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

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

**1.00 SUMMARY**

1.01 This is a full application for the erection of 32 dwellings and creation of access and Public Open Space on land at Hawarden Road. As the site is outside of the settlement boundary of Penyffordd/Penymynydd, the application has been advertised as a departure from the Development Plan.

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

2.01 That conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking, or making of an advance payment, to provide for the following:

a) Payment of £98,056 towards improvements to teaching accommodation to bring them in line with minimum standards at Penyffordd County Primary School and £110,814 towards the provision of specialist Art teaching accommodation at Castell Alun High School. Such sums to be paid upon the commencement of development;

and

b) The agreement of the precise means and methods through which the affordability of the proposed affordable units will be secured in perpetuity, together with the means via which the affordable dwellings will be managed.

2.02 Conditions

1. 2 year commencement.
2. Development as per approved details.
3. External materials samples agreed prior to use.
4. No development permitted until scheme for the equipping and maintenance of the P.O.S is submitted and agreed. Implemented prior to 50% occupation/sale.
5. No development permitted until landscaping scheme submitted and agreed.
6. Implementation of landscaping scheme.
7. No development until sewer mitigation measures submitted

and agreed. Implemented before the occupation of any dwellings.

8. No development until surface water disposal scheme submitted and agreed. Implemented before the occupation of any dwellings.
9. Acoustic attenuation measures to be implemented as per approved details prior to the occupation of the dwellings to which they relate.
10. Hedgerow and tree protection measures to be submitted, agreed and erected before any other site works are undertaken.
11. Land contamination investigation prior to any development.
12. Remediation scheme to be submitted and agreed prior to any sites works. Implemented prior to occupation of any dwelling approved.
13. Scheme for external lighting submitted and agreed before installation.
14. No development until scheme for footway, improved bus stop and site access submitted and approved. Implemented in full before any dwelling hereby approved is occupied.
15. Siting layout and design of access to be submitted and agreed. No formation until agreed. Access to be formed to base course and kerbed before any other works.
16. Site access visibility splays of 2.4m x 143m in both directions. No obstructions within the splays. Visibility splays to be made available during construction works.
17. Parking facilities to be provided as per approved details.
18. Front of garages to be set back a minimum of 5.5 m behind back of footway.
19. Layout, design, traffic calming, signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and agreed.
20. Scheme to prevent run off of surface water onto highway.
21. Construction traffic management plan to be submitted and agreed.

2.03 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

### 3.01 Local Members

#### Councillor D. Williams

Requests that the application be considered by the Planning Committee. Objects to the proposals upon the following grounds;

- considers the proposals are premature and the site ought properly to be considered via the Local Development Plan process, especially as the site is subject of proposed uses in response to the LDP call for sites;
- the proposals fail to adequately meet the demands for additional open space and recreation provision;
- inadequate local infrastructure to accommodate more dwellings;
- adverse environmental impacts upon habitat and wildlife;
- increased risk of flooding;
- inadequate foul drainage system within the village;
- the site is outside the settlement boundary;
- considers there is insufficient capacity in local schools to accommodate the proposed development;
- adverse impacts upon community wellbeing and cohesion;
- adverse impacts upon street scene;
- increased traffic with consequent impacts upon highway safety; and
- inadequate point of access;

#### Councillor C Hinds

Requests that the application be considered by the Planning Committee. Objects to the proposals upon the following grounds:

- considers the proposals are premature and the site ought properly to be considered via the Local Development Plan process;
- the site is outside the settlement boundary;
- considers local infrastructure is already stretched with insufficient capacity in local schools and healthcare centres.;
- considers the transport infrastructure is inadequate;
- existing drainage network is inadequate to accommodate further development; and
- the settlement is not a sustainable community.

#### Penyffordd Community Council

Objects to the proposed development upon the following grounds;

- the proposals will erode the village character of the settlement;
- the level and pace of development within the settlement is unsustainable and this application exacerbates this issue;
- inadequate and unsustainable public transport services within the settlement;

- local highway network is inadequate to accommodate further traffic;
- increased levels of traffic will adversely affect existing amenity and highway safety;
- insufficient capacity in local schools and healthcare centres;
- inadequate provision of open and play space;
- inadequate drainage infrastructure to accommodate the proposed development;
- insufficient affordable housing;
- the proposals are premature and the site ought properly to be considered via the Local Development Plan process;
- use of greenfield site where other sequentially preferable brownfield sites exist;
- the site is outside the settlement boundary;
- the proposals are overdevelopment; and
- the proposals are providing houses to meet a need arising from outside of the county.

#### Highways Development Control Manger

No objection subject to the imposition of conditions.

#### Pollution Control

No objection to the proposals. Advises of the need for a condition requiring a land contamination investigation.

Advises that the submitted acoustic report identifies measures to address potential noise impacts which should be undertaken in accordance with the report.

#### Head of Lifelong Learning

Advises that insufficient capacity would result from the proposals at the local primary school (Penyffordd C.P School) Advises that the nearest Secondary School is Castell Alun High School, which has insufficient capacity and would therefore be affected by the proposals.

#### Public Open Spaces Manager

No objections to the proposed size and location of the POS but requires a scheme for the enclosure, equipping and subsequent maintenance of the area to be submitted and agreed. The equipped area to be provided upon 50% sale or occupation of the development.

In the event that the developer wishes any areas of P.O.S to be adopted, a commuted sum for 10 years maintenance will be required.

#### Housing Strategy Manager

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

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. In 2015/16

124 affordable units were delivered but within the Mold/Buckley sub region (within which the site is located) there is an identified annual shortfall of 165 affordable dwellings;

- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;
- There is an identified level of interest for intermediate products within Penyffordd, with;
  - 21 applicants are currently registered for a shared equity property on a circa 50:50 split between 2 and 3 bed options; and
  - A further 11 applicants registered for affordable (intermediate) rent with 4 applicants seeking 3 bed accommodation, 5 seeking 2 bed accommodation and 3 requiring 1 bed accommodation.

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

#### Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition requiring a detailed scheme for the reinforcement of the public sewer network has been completed in accordance with the solutions set out in the submitted Hydraulic Modelling Assessment.

#### Welsh Government Land Use Planning Unit

Advises that the Agricultural Land Classification (ALC) assessment undertaken in respect of the site present an accurate reflection of the agricultural land quality across the site and recommends that the ALC survey findings are accepted.

#### Natural Resources Wales

No objection on either protected species or flood risk grounds.

#### Airbus

No objection upon aerodrome safeguarding grounds.

#### The Coal Authority

No adverse comments. Requests that standing advice notes are imposed upon any subsequent permission granted.

## **4.00 PUBLICITY**

- 4.01 The application was publicised by way of the posting of a press notice, display of a site notice and notification letters to neighbours. The application has been advertised as a departure from the development plan.



4.02 165No. letters of objection upon the following grounds;

- The recent development in the village allocated within the UDP have highlighted the lack of infrastructure to support any additional development with the consequent impacts this will have upon community cohesion;
- Surface water problems;
- Lack of school places;
- Premature in advance of the UDP and should not pre-empt decisions in advance of the LDP;
- Other sites in the settlement have been put forward as part of the Candidate site process and this may prejudice them coming forward;
- Overdevelopment of the village to the detriment of its character
- Landscape and visual impact of developing the open countryside;
- The site is a greenfield site outside the settlement boundary;
- Would lead to additional traffic and congestion;
- Impact on the sewage system, water supply and other services;
- Impact on dentists and doctors;
- Noise impacts from the development and to the development from the bypass;
- Potential drainage impacts form surface water on nearby properties;
- There has been sufficient recent developments in the village almost 35%;
- Impact on the hedgerow and nesting birds;
- Pedestrian safety is poor;
- This site is a green buffer entrance to the village and separates the built area from the bypass;

Members should note that the comments of the local action group are reflected in the above summary of objections. This summary also reflects the nature of late observations reported at the Planning Committee in July.

4.03 4No. letters of support upon the following grounds;

- the quality of the neighbourhood;
- the close proximity of a wide range of facilities and services;
- the site is a sensible infill of land of limited agricultural potential; and
- there is a need for development to afford house buying opportunities to existing younger members of the community.

**5.00 SITE HISTORY**

5.01 No previous site history.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

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

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

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

HSG10 - Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

RE1 - Protection of Agricultural Land

### 6.02 Local/Supplementary Planning Guidance Notes

LPGN 2 - Space around dwellings

LPGN 4 - Trees and Development

LPGN 9 - Affordable Housing

LPGN 11 - Parking Standards

LPGN 13 - Open Space Requirements

SPG 23 - Developer Contributions to Education

### 6.03 National Planning Policy

Planning Policy Wales Edition 9 November 2016

Technical Advice Note 1 : Joint Housing Availability Studies

Technical Advice Note 11: Noise

Technical Advice Note 12 : Design

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is a full application for the erection of 32No. dwellings, creation of a new vehicular access and associated infrastructure on land at Hawarden Road, Penyffordd.

### 7.02 The Site & Surroundings

The site comprises some 1.30ha of land outside the settlement of

Penyffordd. The site is currently a single field , lastly in use for the purpose of grazing. The land falls from its high point in the north west towards the south and is typical of the surrounding landform.

7.03 The site is bounded by a combination of post and wire fences with mature and well established hedgerows on all sides. The A550 lies beyond the western boundary, with Hawarden Road abutting to the north and east. These boundaries, in addition to the hedgerow, have a small bund associated with them. The southern boundary is marked by again by hedgerow interspersed with mature trees, with a further small field parcel beyond.

7.04 The Proposed Development

The proposals provide for the re-development of this site to provide 32No. dwellings, comprising:

- 6No. 2 bed dwellings, arranged in 2 blocks of 3No. terraces;
- 20No. 3 bed dwellings, arranged in both semidetached and detached formats; and
- 6No. 4 bed detached dwellings.

7.05 The proposals also provide for the creation of a new point of vehicular access from the site onto Hawarden Road and the creation of footpath and cycle links from the site. The proposals include the provision of some 0.16 hectares of Public Open Space.

7.06 The Main Issues

I consider the main issues for consideration in the determination of this application to be:

- The principle of development having regard to planning policy;
- Agricultural land classification
- Highways impact;
- Amenity Impact;
- Impact upon trees and ecology;
- Highway and transport impacts;
- Drainage impacts;
- Affordable housing;
- Public Open Space; and
- Education Contributions.

7.07 The Principle of Development

The site lies outside but adjacent to the settlement boundary in the adopted UDP. In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the

development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

- 7.08 Given that the proposal is for 32 dwellings and does not fall within the scope of above policy framework, then the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan and has therefore been advertised as such.
- 7.09 The applicant justifies the proposal on the basis of a lack of a 5 year housing land supply, the fact that the UDP is out of date and that the proposal represents sustainable development.
- 7.10 Concerns have been raised that consideration of this proposal at this time would be premature in relation to the emerging Flintshire Local Development Plan. The refusal of planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan. Planning applications should continue to be considered in the light of policies within the UDP and in accordance with the guidance set out in Planning Policies Wales and other associated national policy and guidance.
- 7.11 Members are aware of the factors to consider in determining whether prematurity is an issue but in the interest of clarity and for the avoidance of doubt, the key issues to consider are;
- Scale  
In order for a proposal for residential development, which is a departure from the Development Plan, to be considered premature, it must be of such a scale as would go to the heart of the forthcoming plan. That is, it must provide such a quantum of development that would prejudice the LDP by predetermining decisions about the scale, location or phasing of new development which ought to be properly addressed via policies within the LDP. A proposal for development which has an impact on only a small area would rarely come into this category.
  - LDP Progress  
Whilst account can also be taken of policies in emerging LDP's, the weight to be attached to such policies depends upon the stage of preparation or review. However, as the LDP is only at the pre-deposit stage, with no early prospect of reaching deposit, very little weight can be attributed to the LDP at this stage, and refusal on the grounds of prematurity cannot therefore be justified.
- 7.12 Accordingly, and for the reasons set out above, I do not consider that consideration of this proposal would be premature in relation to the

stage reached with the LDP.

- 7.13 **Welsh Government Advice and National Planning Policy**  
Planning Policy Wales Edition 9 November 2016 paragraph 4.2.2 states;

*“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,”* when taking decision on planning applications.”

- 7.14 Planning Policy Wales Edition 9 November 2016 paragraph 4.2.4 states;

*“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise. Where;*

- *There is no adopted development plan; or*
- *The relevant development plan policies are considered outdated or superseded; or*
- *Where there are no relevant policies*

*there is a presumption in favour of proposal in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”*

- 7.15 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”*

- 7.16 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.”*

- 7.17 A recent appeal decision allowed 40 dwellings on a site at Rhos Road (APP/A6835/A/16/3149082). The Inspector noted *‘The development of the site would result in the loss of open land on the approach to the settlement. The site is well-enclosed in views from the main roads and this mature vegetation can be retained as part of the*

*development. The A550 also forms a logical boundary for the settlement at this location'. The Inspector went on to comment 'The proposed development would not accord with the Policy GEN3 of the UDP because the site is outside the settlement limit. However, the site is adjacent to the limit and is well enclosed with a logical boundary limiting incursion into the open countryside. The site is on the edge of a settlement that is well served by a range of local facilities, bus services and a train station. The UDP Inspector considered local services to be good. The Council accepts that the site is in a sustainable location in terms of facilities and services'. The conclusion of the Inspector was that 'I have found that the proposed development would be sustainable and this particular location would be appropriate. Having taken all relevant matters raised into account, I conclude that the benefits of the proposal outweigh the conflict with the development plan'.*

- 7.18 It is therefore key in making the planning balance therefore to consider the sustainable development 'key principles' and 'key policy objectives' set out in PPW.

7.19 **Housing Land Supply**

*Welsh Government Technical Advice Note 1 states that "The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies."*

- 7.20 In these circumstance, advice contained in para 6.2 of TAN1 is that '*The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study.....the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.*

- 7.21 Further guidance is contained in para 9.2.3 of PPW that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan'. This paragraph then goes on to explain what constitutes 'genuinely available' and this is defined as '...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically*

*feasible for development, so as to create and support sustainable communities where people want to live’.*

- 7.22 It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments ‘presumption in favour of sustainable development’. It is acknowledged that the Council cannot demonstrate a 5 year housing land supply within the terms of TAN1 and the Council has identified measures that would be taken to increase housing land supply. One of the measures is as follows:

*‘Firstly, the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites. Applications for sites within settlement boundaries will generally be looked upon favorably provided that they satisfy the Plan’s policies. Applications on sites outside of existing settlements will be assessed on their individual merits in terms of whether they represent logical and sustainable development having regard to material planning considerations and will not be approved merely because they would increase housing land supply. They must also be capable of demonstrating that they can positively increase supply in the short term (perhaps by granting a short term permission) otherwise they would not be capable of meeting the requirements of TAN1. The Council has developed a guidance note for developers in this respect, which seeks to ensure that speculative sites put forward on the basis of a lack of housing land supply are genuine development proposals, as opposed to simply adding value to land’.*

7.23 **Development Guidance Note**

a) Full application

The application is a full application and therefore satisfies the guidance note in this respect

b) Sustainability

The applicant’s planning statement provides a commentary on how the proposal is considered to be sustainable in the context of guidance in PPW. The applicant has undertaken an analysis of the candidate sites on the register for the settlement of Penyffordd and Penymynydd in terms of their sustainability against standard criteria. The applicant considers that this table demonstrates that the application site scores highly against these criteria. The site is located in close proximity to a range of services and transport nodes, is visually and

physically contained due to existing hedgerows and roads, and is capable of accommodating a safe new access point. It is contended by the applicants that development of the site for housing would constitute a sustainable extension to the settlement of Penyffordd; and adjoining roads at three of its boundaries restrict any further encroachment into open countryside.

Furthermore, the site has been assessed against both the Council's LDP sustainability objectives and the 7 wellbeing goals of Welsh Government as set out in PPW and the Well Being of Future Generations (Wales) Act 2015.

The site is considered to perform well in relation to all assessments and demonstrates that the site is both sustainable and suitable for the proposed development.

c) Viability

There is no dispute over the requested S106 contributions or matters required by condition which are;

Affordable housing - Provision of 10No. affordable dwellings, comprising 6No. 2 bed units and 4No. 3 bed units. 7No. of these are to be provided via shared ownership and the remaining 3 via affordable rent;

Open Space – Provision of 0.16 hectares of Public Open Space within the site which is to be equipped in agreement with the Local Planning Authority.

Education - £98,056 for Penyffordd Primary School and £110,814 for Castell Alun High School.

Whilst the applicant has not submitted a viability statement, they have confirmed that they have undertaken an assessment of viability and are content that the scheme is viable. I would suggest that as the applicant has made plain that the development will meet the Council's Planning Obligations in all respects, then there is no need to submit viability information.

d) Deliverability

The applicant is experienced delivering housing developments, delivering 188 units across 5 sites within the last 18 months. The applicant advises that the site would be commenced within 2 years and completed they are confident that all 32 dwellings will be delivered within a 5 year period if



the planning application is approved.

- 7.24 The recent appeal decision at Rhos Rd has demonstrated the weight to be attached to the lack of a 5 year housing land supply relative to development plan policies, having regard to an assessment as to whether the development is sustainable or would cause harm. In this context I consider that the proposal is similar in terms of its location and scale and has the potential to represent sustainable development. I consider that the site would meet the tests in PPW and TAN1, and that the need to increase housing land supply would outweigh the development plan presumption against development.
- 7.25 The community has raised concerns about the impact the proposed development would have upon the ability of the community and settlement to successfully integrate such growth, without negatively impacting on the cohesion of the existing community. The Council, in exercising its responsibilities as a decision-maker, is required to judge whether this proposal is a sustainable proposition. This responsibility is heightened by the duty placed on the Council under the Well Being of Future Generations Act, and specifically the objective for a Wales of more cohesive communities (PPW Section 4.8 page 60).
- 7.26 The principal matter to take into account here is whether the scale of the proposals would be, in itself, so detrimental to the community as to cause harm in terms of the negative impact it would have on the cohesiveness of the community. The proposals are for a development of 32No. dwellings (10No. of which are affordable) which otherwise accords with all of the planning policies requirements applicable to such a proposal.
- 7.27 I am mindful of the fact that concern in relation to the cohesiveness of communities formed the basis of a recent decision to refuse planning permission for a proposed residential development on Chester Road, Penymynydd (055590). However, in that case, the proposed scheme sought to develop a further 186 No. dwellings on the edge of the settlement. The proposals before Members today are for a scheme of 32 No. dwellings. The scale is therefore fundamentally different.
- 7.28 I am further mindful of the fact that the Community have produced a draft Penyffordd Community Development Plan, within which they seek to set out their visions for the development of the village as a whole. Whilst this plan can be afforded little weight given its lack of formal consultation and relationship to the emerging LDP, it is noteworthy in the context of this application that the community through its draft plan identifies that residential development should be limited to sites not in excess of 1.6 hectares in area or 25No. dwellings.

I note that the application site is below the area 'threshold' which the

7.29 community has advised they consider acceptable. Whilst the proposed numbers exceed the 'threshold' of 25 No. units, such a low density of development would not represent a good use of land. In addition and in this context, no evidence is provided within the concerns raised in relation to this application which outlines how ***'the principles of sustainable development and the creation of cohesive communities, which forms the basis of Welsh Government planning policies'*** would be undermined. (from Lesley Griffiths AM, Cabinet Secretary for Environment and Rural Affairs Letter dated 23<sup>rd</sup> February 2017 Ref: LG/00496/17).

7.30 Accordingly, having regard to National Guidance and the clarification letter referenced above, I can see no evidence to support the contention that the development of this site would contravene either national planning policy or the requirements of the Well Being of Future Generations Act.

#### Agricultural Land Classification

7.31 The application was accompanied by An Agricultural Land Classification Survey (undertaken by Reading Agricultural Consultants Ltd – March 2016) which indicated that the site comprised some 0.9ha (64%) of Grade 3a land and 0.5ha (36%) of Grade 3b land. Subgrade 3a land is classed as Best and Most Versatile (BMV) agricultural land and is protected by planning policy.

7.32 Consultation has been undertaken with Welsh Government's Land Use Planning Unit who have advised have clarified that the submitted Agricultural Land Classification study has been completed to a high standard and is considered to provide an accurate indication of agricultural land quality. They advise that whilst 64% of the site does amount to BMV land, the site must be viewed in the context of its surroundings. The site is not part of a larger assemblage of agricultural land of comparable quality. The land to the south of the site comprises subgrade 3b land and this is reflective of the majority of the agricultural land in the immediate vicinity of Penyffordd. Accordingly, this site is not going to be able to produce the moderate to high yields of a wide range of crops, as would normally be expected of such land, due to the restricted nature of the site area and the fact that it is an isolated area within a larger area of subgrade 3b land.

7.33 Accordingly, Welsh Government's Land Use Planning Unit have advised that the findings of the Agricultural Land Classification survey be accepted and do not object to the loss of Grade 3a land in this instance.

7.34 Although both PPW and UDP policy RE1 require considerable weight to be given to protecting Grade 3a land, the restricted agricultural utility should also be taken into consideration in the overall balance. Accordingly I am of the view that the loss of such constrained piece of isolated Grade 3a land should not serve as an impediment to

development in this case.

Design issues and impacts upon amenity

7.35 The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of both pre-application discussion and consideration of the application.

7.36 The scheme has evolved to respond to the site characteristics and delivers a design where the form and dwellings reflect both the design of the residential areas and buildings in the locality, and provide for a mixture of house types. The scheme has sought to provide a greater variety of house types and seeks to retain existing natural features upon the site fringe to maintain a green, rural character to the site frontage in this location.

7.37 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality but delivers a strong sense of identity. The layout takes full account of the existing dwellings opposite the site by maintaining adequate separation distances, in line with Council guidance standards on space about dwellings and overlooking to secure privacy and amenity. The proposals provide development at a density of 25 dwellings per hectare (d.p.h) or 28 d.ph if the P.O.S area is excluded. I am satisfied, taking account of the edge of settlement location, that this density of development is acceptable in this context.

7.38 Accordingly and notwithstanding representations made, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

7.39 The potential for traffic upon the adjacent A550 and Hawarden Road to have an adverse noise impact upon the proposed dwellings. Consultation with Pollution Control colleagues has established that site has been identified as being in Category C of TAN 11 and as such there will be a high level of mitigation required to protect the amenity of future residents. The applicant has identified that erection of an acoustic attenuation fence along the western boundary of the site, with some return along the southern and northern boundaries would address the noise impact. This fence would be 2.2m in height towards the north, rising to 2.8m along the southern end of the site. This, in combination with the proposed enhanced glazing would serve to ensure that noise will not adversely affect future residential amenity.

Visual Impact

The proposed site forms only a small part of a wider local character area. Trees and hedgerows of merit are to be retained and enhanced

7.40 as part of the landscape planting proposals which will also help to soften the built form and assimilate the development into the wider landscape context. The proposed development will sit between the existing settlement, the road and the A550 and will be an infill development that will have only very limited landscape and visual effects over a small area of influence. Any visual impacts that remain following mitigation will remain local in nature and become neutral in tone as the proposal assimilates into the existing settlement form.

7.41 The noise mitigation measures in the form of the acoustic fence and the proposed removal of approximately 31m of hedgerow to form the access to Hawarden Road would result in an impact to the character of the site. However, the A550 boundary would remain as strategic landscaping buffer with a fence and further additional evergreen boundary planting is proposed. Further landscaping in the form of additional evergreen planting (semi mature Holly of 1.5m – 1.75m in height) is also proposed to be provided along the Hawarden Road boundary and I propose to condition the implementation of this scheme.

Accordingly, whilst the development of the site will have some impact on the approach to the settlement it is not considered that this harm is so great that it would weigh against granting planting permission.

7.42 Impact upon trees & ecology

7.43 The application was accompanied by a Tree Survey Report. The trees within the site are located within the boundary hedgerows on the site are within the boundary hedgerow to the south of the site. The scheme proposes the retention of all of the trees with the exception of a single beech tree, the condition of which is such that it is considered to be a risk of falling in high winds. Subject to the imposition of a condition for the protection of the trees and hedges during the course of works, there are no tree constraints on the site.

7.44 An Ecological Appraisal of the site was submitted with the application which identifies that the site has no built structures to offer roosting and foraging potential for bats and foraging potential is also low. There is an existing hedgerow on the boundary of the development site which could be utilised by bats. It is proposed to retain and enhance the hedgerow boundaries. It is also proposed to condition any external lighting in order to maintain the foraging potential of these hedgerow corridors.

Highway and transport impacts

7.45 Vehicular access to the site is proposed to be derived via a new access from Hawarden Road, allowing access to both the County highway network and existing adjacent residential estate roads. The application is accompanied by a Transport Statement which highlights that the site is sustainably located within the settlement and

has good links to the public transport network. The site is within easy walking distance of the Penyffordd railway station and bus stops are located upon the road frontage of the site upon Hawarden Road.

7.46 Representations have been made that the proposals will give rise to a level of traffic generation which would adversely affect the safety of existing highway users and is unsustainably excessive. The Local Highway Authority have considered the proposals and raise no objections on highway safety grounds. Accordingly there is no objection to the proposals, subject to the imposition of conditions.

7.47 Comments have also been received suggesting that the train station is not readily accessible, especially by those with disabilities. However, the point in respect of the accessibility and availability of the train station in relation to the site is primarily a point which reinforces that Penyffordd is a sustainable settlement. The train station is accessed by all residents (regardless of physical ability) of the village either by vehicular means or on foot, via the footway and footpaths links, utilising the pedestrian refuge when crossing the A550. The fact that the footways on both sides of the road and the central refuge are provided with dropped kerbs indicates that regard has been had to the use of this crossing arrangement by wheeled transports of various forms (disability and otherwise), which supports my view that the application site is sustainably located in transport terms.

#### Drainage impacts

##### *Surface water*

7.48 The site lies entirely within Zone A of Welsh Government's Development Advice Map referred to under TAN15: Development & Flood Risk. Flood Map information confirms that the site lies outside of the extreme flood risk outline.

7.49 Although the potential flood risks to the development are considered to be relatively low, there is potential for flooding on-site and/or offsite if surface water run-off is not effectively managed. Accordingly the applicant has produced a surface water management proposal which has considered the effects that the proposed development could have on surface water runoff rates, and sets out a number of measures which seek to minimize potential on-site and off-site flood risk impacts, over the development lifetime (including consideration of the effects of climate change). The applicant has examined the potential for the site surface water to be disposed of via soakaways. This examination has established that the soil conditions are such that low to moderate infiltration rates could be demonstrated. Given these unfavorable conditions, it is proposed to direct surface water runoff generated from newly impermeable areas of the site to an existing culverted watercourse located to the south east of the site.

This proposed method of disposal has been the subject of

consultation with both NRW and the Council's drainage engineers. No objection to this proposal has been raised, although the agreement of the precise technical design of the system will be required. Accordingly I propose to condition the submission and agreement of such a scheme.

7.50

*Foul water*

The applicant has commissioned a Hydraulic Modelling Assessment (HMA) from Dwr Cymru/Welsh Water (DCWW) prior to the submission of this application. This has established that the local sewer network would be detrimentally affected as a result of the proposed development discharging to the sewers. The HMA identifies a number of options for sewer network reinforcement and I am advised that the implementation of one of those options would enable the proposed development to connect to the public sewer network without causing detriment to the network or the environment.

7.51

The preferred option is to remove surface water disposal from the public sewer system, which will free up capacity in the system to accommodate the foul flows generated from this site.

I am advised in response to consultation by DCWW that there is no objection to the proposed development subject to the imposition of conditions. Amongst the suggested conditions is the requirements for the submission and agreement of the detailed scheme of sewer mitigation measures to reinforce the existing network. I propose to condition that no development be permitted until this detail is submitted and agreed and no occupancy will be permitted until the approved measures are implemented.

7.52

7.53

Affordable housing

The proposed layout provides for 10No. affordable dwellings, comprising 6No. 2 bed units and 4 No. 3 bed units. It is proposed that 7No. of the dwellings will be affordable via a shared equity model and 3No. via affordable rental.

7.54

The Housing Strategy Manager has advised in response to consultation that these proposals are acceptable to meet the need for affordable housing in the area. However, I am advised that there is a need to reach agreement in respect of the delivery options for the affordable units. Accordingly, this requirement will be addressed via the proposed legal agreement.

7.55

Public Open Space

The proposals provide an indication of on-site public open space intended for recreation and play. Consultations with the Public Open Spaces Manager has revealed that the provision within the site for play is acceptable in terms of area. There is the need for a scheme of boundary treatments, access and play equipment to be submitted

7.56

and agreed. The area will be required to be equipped as per the approved scheme upon 50% sale or occupation of the development.

After a period of 12 months following the completion of the P.O.S, should the developer require the council to adopt the P.O.S, a commuted sum payment for 10 years maintenance would be required.

7.57

Accordingly and in line with LGPN 13: Open Space Requirements, I propose to condition the submission and agreement of a scheme for the equipping of the area and the maintenance provisions for the same in the future.

7.58

#### Education Contributions

It has been suggested in third party responses to consultation that the settlement does not have sufficient capacity within the existing infrastructure to accommodate the proposed development of a further 32 dwellings. Specifically cited is the lack of capacity at local schools.

7.59

Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, that the development would give rise to the need for a contribution requirement at both primary school and secondary school levels.

7.60

Such capacity would not be available at the nearest primary school (Penyffordd C.P. School). The current capacity of the school stands at 259. There are presently 251 pupils attending the school. Accordingly the school has only a 3.09% surplus of spaces, which equates to 8 spaces for additional pupils. The proposals would give rise to an additional 8 pupils, thereby eroding the remaining capacity. Accordingly, upon the application of the guidance, a sum of £98,056 would be sought for educational purposes as a consequence of this development.

7.61

Capacity is also not available at the nearest high school (Castell Alun). The current capacity of the school stands at 1240. There are presently 1362 pupils attending the school. The proposals would give rise to an additional 6 pupils. Accordingly, upon the application of the SPG23 guidance, a sum of £110,814 would be sought for educational purposes as a consequence of this development.

7.62

Members will recall from recent discussions in respect of this school and the implications of the effects of the CIL Regulations upon the ability of the Local Planning Authority to seek contributions via S.106 Agreements in respect of educational infrastructure in respect of this school.

7.63

The infrastructure and monetary contributions that can be required from the 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'.

7.64 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;

- 7.65
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.

While the Authority does not yet have a charging schedule in place, the CIL Regulations puts limitations on the use of planning obligations.

7.66 These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.67 The Planning Authority has secured 1 obligations towards Penyffordd C.P School since April 2010 namely;

<b>048313</b>	Land at Wood Lane Farm, Penyffordd	£193, 291
---------------	------------------------------------	-----------

7.68 At Penyffordd C.P School I am advised that the sum sought will be used as a contribution towards a project to improve the standards of teaching accommodation to bring such facilities up to the minimum standard required to deliver the National Curriculum.

7.69 The Planning Authority has secured 5 obligations towards Castell Alun High School since April 2010 namely;

Reference No.	Site Address	Contribution Amount
<b>048186</b>	Land at Bridge Farm, Fagl Lane, Hope	£31,500
<b>048313</b>	Land at Wood Lane Farm, Penyffordd	£139,607
<b>048676</b>	Land at Babylon	£21,000



	Fields, Higher Kinnerton	
<b>048471</b>	Land at Cymau Lane, Abermorddu	£24,500
<b>048892</b>	Land at the Former White Lion Public House, Penymynydd	£52,500

I am advised that since the advent of the provisions of the CIL Regulations, The Director of Lifelong Learning has identified separate projects in respect of educational needs a Castell Alyn High School which are distinct and separate to the project to which the above listed obligations relate. I am advised that the sum sought will be used as a contribution towards a project to develop the provision of specialist Art teaching accommodation at the school.

7.71

I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such contributions would satisfy these requirements. I am also satisfied that the sum sought in relation to Castell Alun High School is for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

7.72

7.73 Other matters

In addition to the above issues, objections have also been advanced in respect of the perceived impact upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board.

**8.00 CONCLUSION**

8.01 The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise. In this instance it is considered the need for a 5 year land supply is a material consideration which outweighs the fact the site is outside the settlement boundary and is a departure from the development plan. Furthermore the site is considered to be sustainable, viable and deliverable in order to come forward within the next 5 years to meet the supply. In addition, whilst the site would not accord with UDP policies (by virtue of its open countryside location) it does accord with the broad thrust of national policies and guidance as set out in PPW.

8.02 In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed.

8.03 Although this application is a departure from the development plan and has been advertised as such, it would not need to be referred to Welsh Government under The Town and Country (Notification) (Wales) Direction 2012. The Direction requires local planning authorities to refer applications for 'significant residential development' where they are minded to grant planning permission for residential development of more than 150 residential units, or residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force. The application does not fall within this definition.

Other Considerations

8.04 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.

8.05 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.

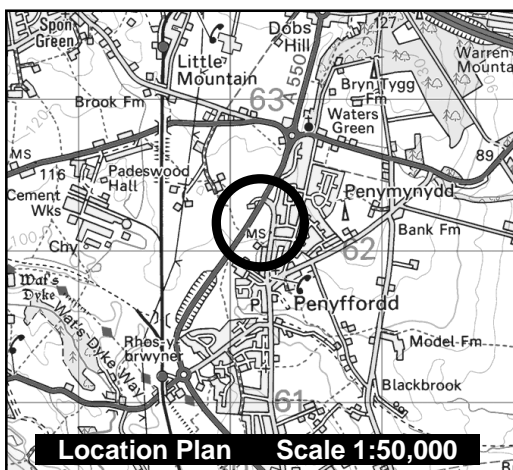
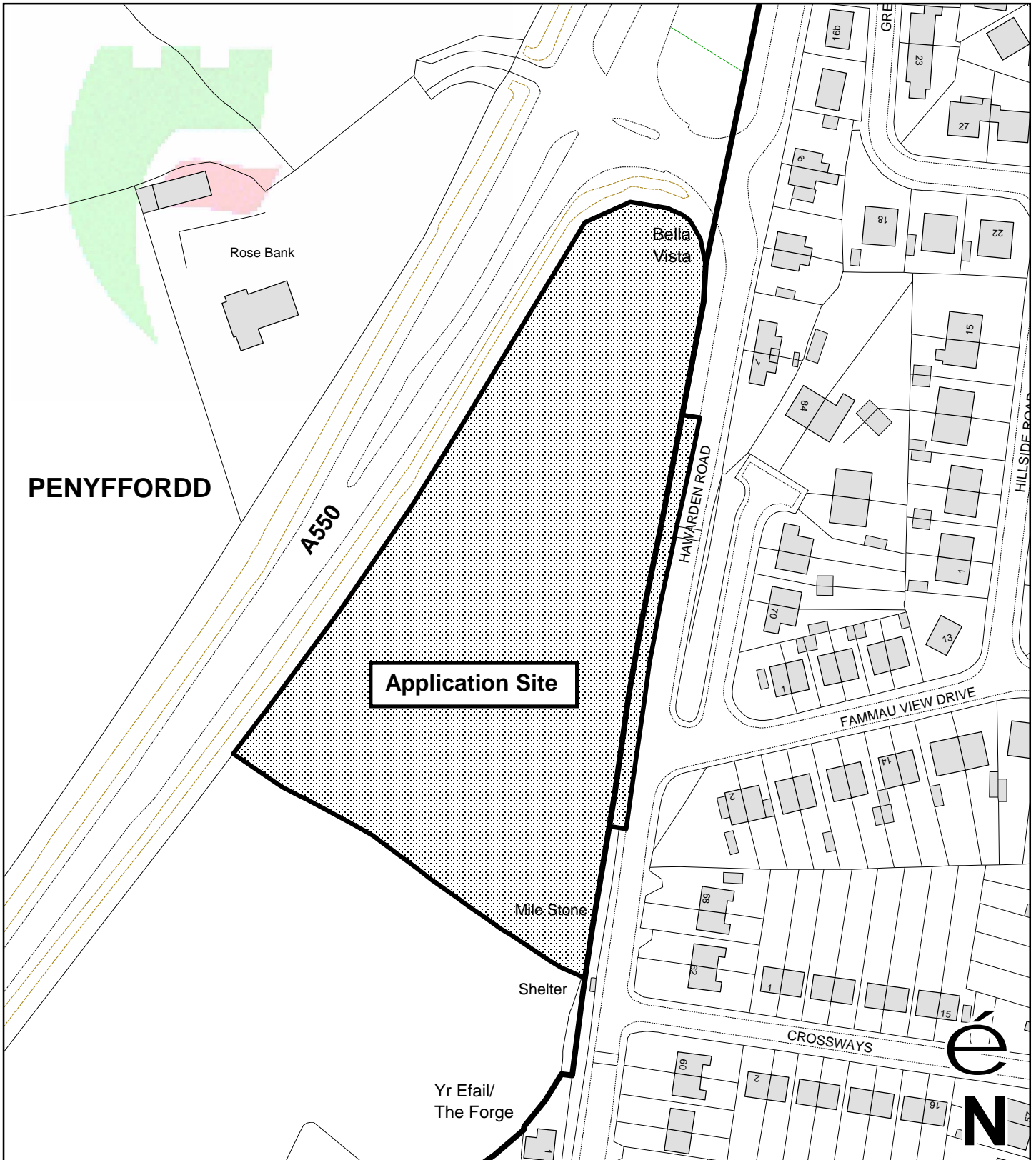
8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.07 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:** David Glyn Jones  
**Telephone:** 01352 703281  
**Email:** david.glyn.jones@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
Licence number: 100023386.  
Flintshire County Council, 2017.

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

Map Scale 1:1500

OS Map ref SJ 3062

Planning Application **56694**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **WEDNESDAY, 6 SEPTEMBER 2017**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT LAND ADJ. TO BRYNEITHIN, GORSEDD.**

**APPLICATION NUMBER:** **057185**

**APPLICANT:** **MR P ERASMUS**

**SITE:** **LAND ADJ. TO BRYNEITHIN, GORSEDD**

**APPLICATION VALID DATE:** **29.06.17**

**LOCAL MEMBERS:** **CLLR C DOLPHIN**

**TOWN/COMMUNITY COUNCIL:** **WHITFORD**

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

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This outline application proposes the erection of one market dwelling on land adjacent to Bryneithin, Gorsedd. The site which is subject of this application is within the settlement boundary of Gorsedd, which is a category C settlement, as such any new development would need to meet a proven local need.
- 1.02 In addition the site is adjacent to and would include part of the Gorsedd Round Barrow Scheduled Monument and is considered to adversely impact upon this and its setting.

The application site location is prominent and the illustrative details

1.03 indicate a development that would be prominent and of a cramped form, out of character with the immediate street frontage and would not harmonise with the plot or its surroundings

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 The site is located within the category C settlement of Gorsedd and as the development of one dwelling is not to meet a proven local housing need the development would conflict with the provisions of the Development Plan. The weight attached to increasing housing land supply is not considered to outweigh the harm that will arise from the introduction of a private market sale property which would contribute to the poor spatial distribution of affordable housing across the County which would in-turn fail to accord with the principles of sustainable development.

2.02 In addition the development would adversely impact upon a scheduled monument and its setting.

2.03 Development of the plot would lead to development of prominent and cramped form, out of character with the immediate street frontage, the plot and surroundings. As such the proposal is contrary to the provisions of policies HSG3, HE6 and GEN 1 of the Flintshire Unitary Development Plan, Planning Policy Wales Edition No 9 and TAN 24 the Historic Environment, TAN 1 Joint Housing Land Availability Studies and TAN 6 Planning for Sustainable Rural Communities.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor C Dolphin  
Fully supports the application which is within the settlement boundary, large housing has been and is being built in Gorsedd and the development would be in keeping with the environment.

Requests site visit and determination by Planning Committee if officer recommendation one of refusal.

Whitford Community Council

Supports the application, requests that any consent be conditioned with regard to the existing access to the property to the highway is used.

Head of Assets and Transportation

Site visit revealed a shortfall of visibility available and requested clarification off agent with regard to rights of occupant of Pen Yr Orsedd referred to in the Design and Access Statement.

#### Head of Public Protection

No objection in principle to this application, however the proposed development is located in an area where there is a long history of lead mining and it is very common to find significantly elevated levels of lead and other metals in superficial soils, at a level that is capable of causing adverse effect on humans and animal health. It is recommended that any consent is conditioned with a land contaminated survey condition.

#### Cadw

No response received at time of writing.

#### Clwyd Powys Archaeological Trust

Information held within the Historic Environment Record indicates that the proposed development is located west of the scheduled monument Gorsedd Round Barrows. The new dwelling would be situated within 13m of the scheduled monument, and the garden area includes part the scheduled monument boundary. There may therefore be a direct impact to the scheduled monument which is protected by law. In addition the proposed development will have an extremely high visual impact upon the immediate setting of the monument as such CPAT **object** to the current proposal.

If Cadw have no objection to the development then we would require a pre determination evaluation of the application area to assess the potential for sub –surface archaeology related to the burial mounds and any associated prehistoric ritual or funerary archaeology that may be present around them.

#### Housing Strategy Officer

The application relates to one market dwelling in Gorsedd a rural location. The Local Housing Market Assessment for Flintshire identifies an annual shortfall of 246 affordable units. There is an identified level of need for affordable rented housing in Gorsedd with 2 applicants registered.

### **4.00 PUBLICITY**

#### 4.01 Neighbour Notification

1 letter of objection received on the following grounds;

- Visual impact on residential amenities
- The proposed dwelling would completely overlook the rear of our property, with direct view in to lounge, kitchen and children's bedrooms.( infringement of human rights)
- Loss of privacy, light and over dominance

### **5.00 SITE HISTORY**

#### 5.01

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy GEN1 General Requirements for Development  
Policy HSG3 Housing on Unallocated Sites within Settlement Boundaries  
Policy HE6 Scheduled Ancient Monuments and Other Nationally Important Archaeological Sites.

Planning Policy Wales (PPW) Edition No 9 November 2016  
TAN 1 Joint Housing Land Availability Studies  
TAN 6 Planning for Sustainable Rural Communities.  
TAN 24 The Historic Environment

## **7.00 PLANNING APPRAISAL**

- 7.01 Site Description  
The site which is the subject of this application is located within the settlement boundary of Gorsedd, a category C settlement, where any new development will need to be a proven local housing need. It comprises of a site of 0.10 hectare of level grassed land, presently forming the garden area of Bryneithin. The site frontage on to Gorsedd village road is defined by an approximately 1.5m high stone wall and mature hedgerow /trees to the side boundary. The site is located to the west of existing housing and to the east is bounded by the Gorsedd Round Barrows, a scheduled monument. The indicative plans show the new dwelling would be situated within 13m of the scheduled monument, and the indicative garden area would include part the scheduled monument boundary.
- 7.02 Planning Policy  
For Members' information the site is located within the settlement boundary of Gorsedd, a category C settlement, and to be compliant with policy any new development would need to be a for a proven housing need. The applicant has not set out that the proposed development is to meet any proven housing need and is for private market sale. The Housing Strategy Officer has made it clear there is a housing need in the area for affordable rented properties. The proposal is therefore contrary to policy HSG3, Planning Policy Wales and TAN 1 and TAN6.
- 7.03 In addition the development would adversely impact upon the scheduled monument and its setting contrary to local plan policies, Planning Policy Wales and national guidance offered in TAN 24.
- 7.04 The development of the plot in its current form would lead to prominent and cramped form of development contrary to policy GEN



Proposed Development

- 7.05 The plans submitted as part of this application illustrate the size and scale parameters of development with the maximum being a width of 15m, depth of 9m and height of 10m. With the site plan indicating an indicative location of the property on the plot.
- 7.06 In support of the application the agent has advised in the planning supporting statement the personal circumstances of the applicant in relation to this application. Whilst these are acknowledged and may be considered a material planning consideration I am not satisfied that this development is the only way to meet the needs of the applicant and therefore the personal circumstances do not outweigh the conflict with planning policy and the failure to create sustainable development. It is usual for such provision to be made by either seeking alternative accommodation within the village or possibly by the addition of annex accommodation for providing accommodation for dependant relatives.
- 7.07 In addition the application has referenced various policies of the Flintshire Unitary Development Plan, inclusive of policy HSG3 which relates to development in a category C settlement. Both national and local policies and TAN advice are very specific in that in order to allow an exception to the above, the development needs to be otherwise compliant with the provisions of the UDP. This is clearly not the case as the proposal is not compliant with the provisions of HSG 3, as the proposal does not appear to be made for meeting a proven local housing need. Notwithstanding this, the proposal further conflicts with policies GEN1 and HE6 of the UDP.
- 7.08 Planning Policy Wales advises in para 3.1.2 that the development plan should provide a firm basis for rational and consistent decisions on planning applications. Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.09 Within para 4.2.5 PPW advises that it is the responsibility of the decision maker to judge whether in this case using all the available evidence for planning for sustainability. In terms of the key principles of putting people and their quality of life now and in the future at the centre of the decision making and taking a long term perspective to safeguarding the interest of future generations whilst at the same time meeting the needs of people today are important. Para 4.4.3 of PPW advises that in contributing the Wellbeing of Future Generations Act, goals, planning decisions should have regard to the wellbeing themes under the theme of a Wales of cohesive communities.
- 7.10 This site is in a category C settlement where in order to be compliant with policy HSG 3 any new development would have to be for a

proven local need.

7.11 The role of planning policy HSG3 is to implement the plans spatial distribution of housing development across the county using a three tier settlement hierarchy. This strengthens controls over spatial distribution in order to achieve a more sustainable pattern of development in order to achieve affordable housing provision in rural areas and for any development to embody sustainability principles. The application does not seek to provide for a proven local need.

7.12 The development would be within 13m of the boundary of a schedule monument Gorsedd Round Barrows and the red line of the application site includes part of the schedule monument site, which is protected as such the proposal would have a direct impact on the scheduled monument and would have an extremely high visual impact upon the immediate setting of the monument contrary to PPW, TAN 24 The Historic Environment and the provisions of the Flintshire Unitary Development Plan policy HE6.

7.13 In addition the prominent location of the proposed development on the plot and its indicative scale would in the opinion of the LPA lead to a development of prominent and cramped form, out of character with the immediate street frontage and would not harmonise with the plot or its surroundings, contrary to the provisions of policy GEN 1 of the Flintshire Unitary Development Plan.

## **8.00 CONCLUSION**

8.01 In conclusion whilst it is acknowledged that the application site is within the settlement boundary of Gorsedd, where there would normally be a presumption in favour of development. Gorsedd is a category C settlement where any new development would be to meet a proven local need. The application has not been put forward on this basis, the justification forwarded by the applicant fails to evidence how the development meets a proven local need and for the reason cited above is considered to be contrary to the provisions of Planning Policy Wales, TAN 1 and TAN 6 and the provisions of policy HGS3 of the Flintshire Unitary Development Plan. Members attention is drawn to item 8 on the agenda which is a report regarding a recently dismissed appeal on the basis of the applicant's failure to meet the test of proven local need as set out in Policy HSG3.

8.02 It is acknowledged that in accordance with TAN 1 that the Council does not currently possess a 5 year housing land supply, however it is not considered that there is sufficient justification, in this instance to override TAN 1, TAN 6 or the provisions of policies GEN 1 and HSG3 of Flintshire Unitary Development Plan to enable the development of one property. In any regard it is not considered that

the provision of one property would make a significant contribution to the housing land supply shortfall.

8.03 The development has the potential to directly impact upon the adjacent scheduled monument Gorsedd Round Barrows and adversely visually impacts upon the setting of the scheduled monument, contrary to the provisions of PPW, TAN 24 The Historic Environment and policy HE6 of the Flintshire Unitary Development Plan.

8.04 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.

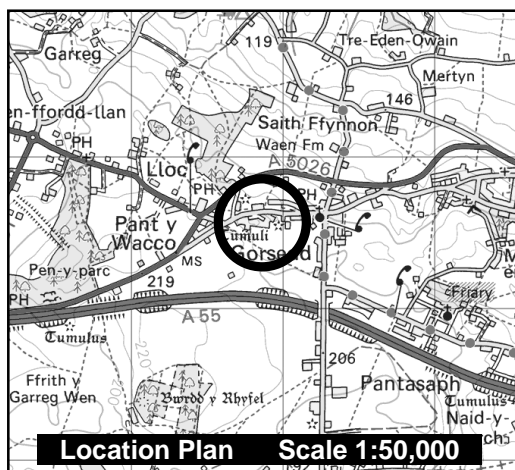
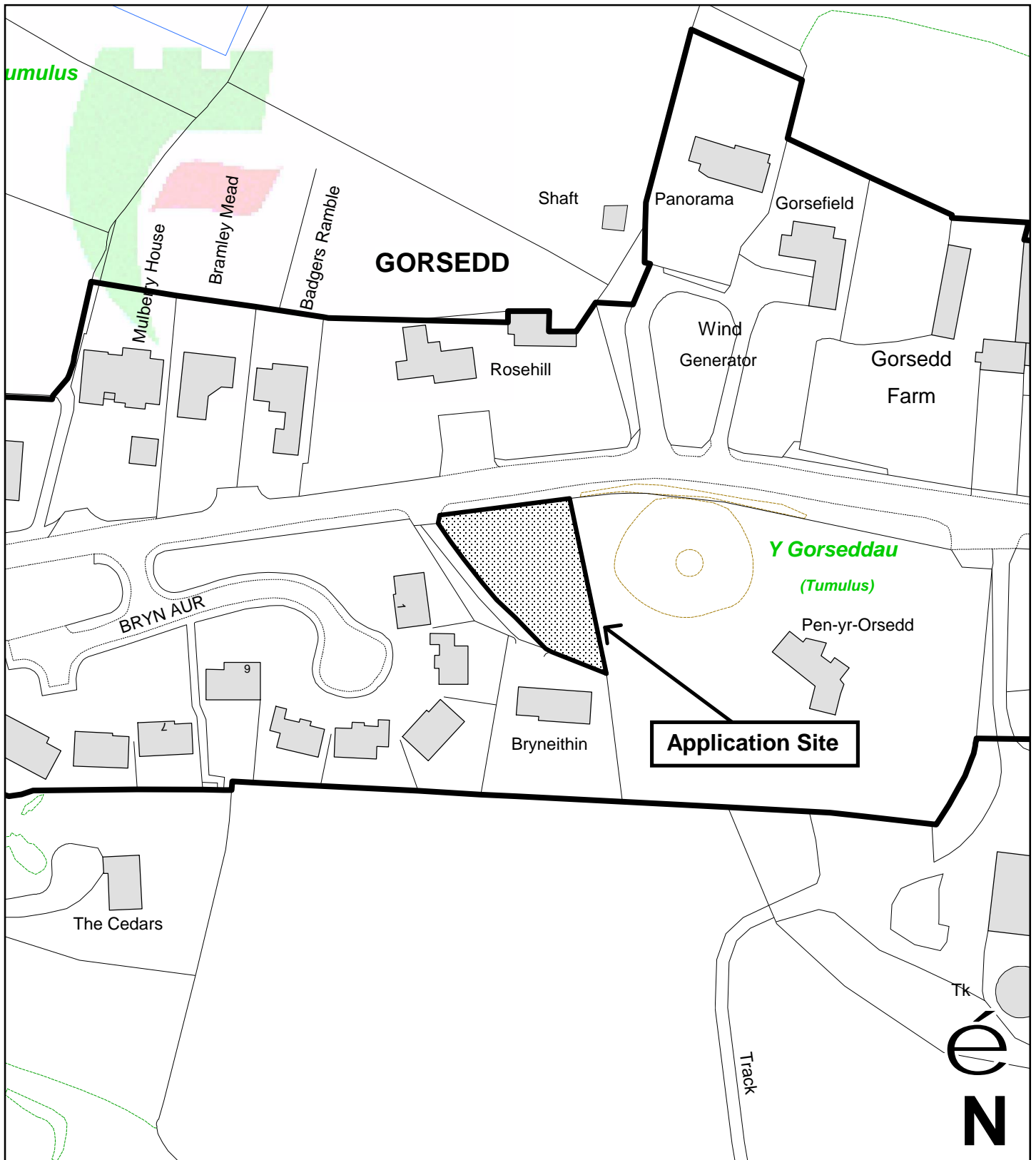
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Barbara Kinnear  
**Telephone:** (01352 703260)  
**Email:** [Barbara.kinnear@flintshire.gov.uk](mailto:Barbara.kinnear@flintshire.gov.uk)

This page is intentionally left blank



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 1476

Planning Application **57185**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF A SINGLE STOREY EXTENSION TO SIDE AND REAR OF DWELLING AT 18 MOORFIELD ROAD, HAWARDEN**

**APPLICATION NUMBER:** **057070**

**APPLICANT:** **MR R PLATT**

**SITE:** **18 MOORFIELD ROAD, HAWADEN, CH5 3EZ**

**APPLICATION VALID DATE:** **2<sup>ND</sup> JUNE 2017**

**LOCAL MEMBERS:** **CLLR H BROWN**  
**CLLR G HARDCASTLE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN COMUNNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST – IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of a single storey side and rear extension at 18 Parkfield Road, Broughton.
- 1.02 The proposal is considered to comply with Policies GEN1, D2, AC18 and HSG12 of the Flintshire Unitary Development Plan. And Local Planning Guidance Notes 1, 2, and 11.

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

- 2.01 1. Time limit.  
2. In accordance with plans.  
3. Facilities to be provided and retained within the site for parking.

### **3.00 CONSULTATIONS**

- 3.01 Cllr H Brown  
Has formally requested Committee determination and a Committee site visit be made.

Cllr G Hardcastle  
No response at time of writing.

Hawarden Town Council  
Objects to the proposal on the basis of overlooking windows and inadequate parking.

Highways Development Management  
No objection subject to conditions.

Head of Public Protection  
No objection.

Welsh Water/Dwr Cymru  
No objection subject to an informative note.

Airbus  
No Objection

### **4.00 PUBLICITY**

- 4.01 Neighbour Notification

8 Letters of objection were received which raised the following objection to the proposal:

- The plans do not accurately show the proposal.
- Existing parking is not adequate.
- Proposed parking is out of keeping with the street.
- Proposal is out of character with surrounding properties.
- Garden room is unnecessary.
- Deeds restricted the owner from using the property of a business use.
- Erection of a kennel will cause an increase in noise, smell and vermin.
- All bedrooms do not require en-suites.
- Construction traffic for kennels causing a highway danger.
- Proposed extension will cause loss of light and view to



- neighbouring bedroom window.
- Proposed extension will affect the outlook from the neighbouring garden.
- Proposal will devalue neighbouring property.
- Increase in the number of visitors and children.
- Loss of privacy due to sky lights facing a bedroom window.

## **5.00 SITE HISTORY**

5.01 None relevant

## **6.00 PLANNING POLICIES**

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

6.02 National Planning Guidance  
 Technical Advice Note 12 Design

6.03 Local Planning Guidance  
 Local Planning Guidance Note No. 1 Extensions and Alterations to Dwellings  
 Local Planning Guidance Note No. 2 Space Around Dwellings.  
 Local Planning Guidance Note No. 11 Parking Standards.

## **7.00 PLANNING APPRAISAL**

7.01 The application site is located within Hawarden as defined in the Flintshire Unitary Development plan. The property consists of a detached bungalow constructed of brick under a tiled roof with a flat roof garage to the side.

7.02 The application is for a single storey side extension, indicating a family room, kitchen extension and garden room on the ground floor and a bedroom on the first floor in the loft space. The proposal also includes a number of windows on the front and rear of the existing dwelling, however these are permitted development and do not require planning permission. The application also includes an amended parking layout which shows 3no car parking spaces to the front of the dwelling.

7.03 Scale  
 In terms of scale the extension measures 3.7 metres wide to the front widening to 5 metres at the rear being approximately 0.5 metres off

the boundary line. The extension measures 12 metres in length extending from the rear elevation 5 meters.

The area at ground floor level is approximately 51m square metres while the first floor having an area of 13 square metres giving an overall total for the extension of 64 square metres additional floor area.

The original dwelling had an approximate floor area of 97.5 square metres with the additional permitted development alterations to the first floor bringing the overall dwelling to 152 square metres.. The proposed extension would add a further area of 64 square metres which is an increase of approximately 41%. The proposed extension in terms of scale is therefore in compliance with LPG 1 House Extensions to Dwellings which states that houses should not be more than 50% of the original floor space. Furthermore, the proposal complies with the first principle of Policy HSG12 as the extension is subsidiary in scale and form.

#### Design

- 7.04 The proposed extension is modest and replaces an existing detached garage. A number of objections have been received which state that the proposed extension is out of keeping with the area as none of the surrounding dwellings have been extended in this manner. The objections also state that the number of velux windows is out of keeping. The proposed design is considered to harmonise and respects the host dwelling, appearing subservient. The lack of a similar extension on surrounding dwellings does it itself create a reason for refusal with the surrounding dwellings having a mix of differing alterations. The design of the proposed extension therefore complies with the second principle of Policy HSG12.

#### Separation Distances and impact on people living nearby

- 7.05 The neighbouring occupier at No 16 has objected to the distance which would be created between his existing first floor habitable bedroom windows and the proposed extension. At present the bedroom window of the objectors house looks out onto gable end of the application site and its parking/garden area and in its current form is substantially less than the interface distance of 12m recommended between blank gable walls and habitable room windows. This is an unusual arrangement which this is not a common practice with present day developments with only secondary windows usually now found on side elevation i.e. bathrooms etc. The proposed extension would still result in a flank wall being presented to the neighbouring occupier at No 16. The fundamental difference would be the flank wall would be 3.7 metres closer, however the separation distance between the window and the flank wall will be 3m. Whilst the proposed extension may reduce the outlook from the neighbouring habitable room, this is not considered to be materially more harmful than the current arrangement and would not outweigh in the planning balance the positive attributes of the proposal. The arrangement is not

dissimilar to application number 055618 which Planning Committee visited in November 2016

Due to the south-easterly orientation of the proposed extension which is a dormer style construction, the effect of the proposal would not significantly alter the existing light levels within the room which is at first floor level and any minor reduction would be confined mainly to the evening. It is considered that this would have a limited impact on the reasonable enjoyment of that room by any occupier. In terms of overshadowing, it is expected that for a limited period of time during the evening there might be overshadowing in a small part of the garden area between the two properties. It is considered that the proposal would have a negligible effect of the main, useable area of the garden lying towards the rear of the dwelling. Overall the proposed extension would not cause any greater harm to the occupier's reasonable enjoyment of that first floor bedroom at No 18 than is already created by the existing arrangement.

Therefore the proposal complies with the third principle of Policy HSG12 as it would not have an unacceptable impact on people living nearby.

#### Highways

- 7.06 A number of objections have been received in relation to highway safety and parking requirements for the proposed development. Following the receipt of an amended plan showing the creation of 3 spaces off the highway which meets the requirement of the LPG guidance note, the Highways Officer has raised no objection to the proposal subject to the conditions outlined above.

#### Other Material Matters

- 7.07 A number of objections have been raised in relation to construction traffic, potential business use, devaluation of property, increase in vermin and the necessity of development. These are not considered to be material planning matters in this case and are therefore given limited weight.

### **8.00 CONCLUSION**

It is considered that the proposed development is compliant with the relevant policies and guidance. The harm which would arise by the increase in proximity of the flank wall of No 18 towards No 16 is not considered materially more harmful than the existing arrangement. The development proposed will not adversely impact upon highway safety nor will it unacceptably impact on the living conditions of the occupants of the adjoining residential property or the character of the area in a manner that would warrant refusal of the application

- 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.

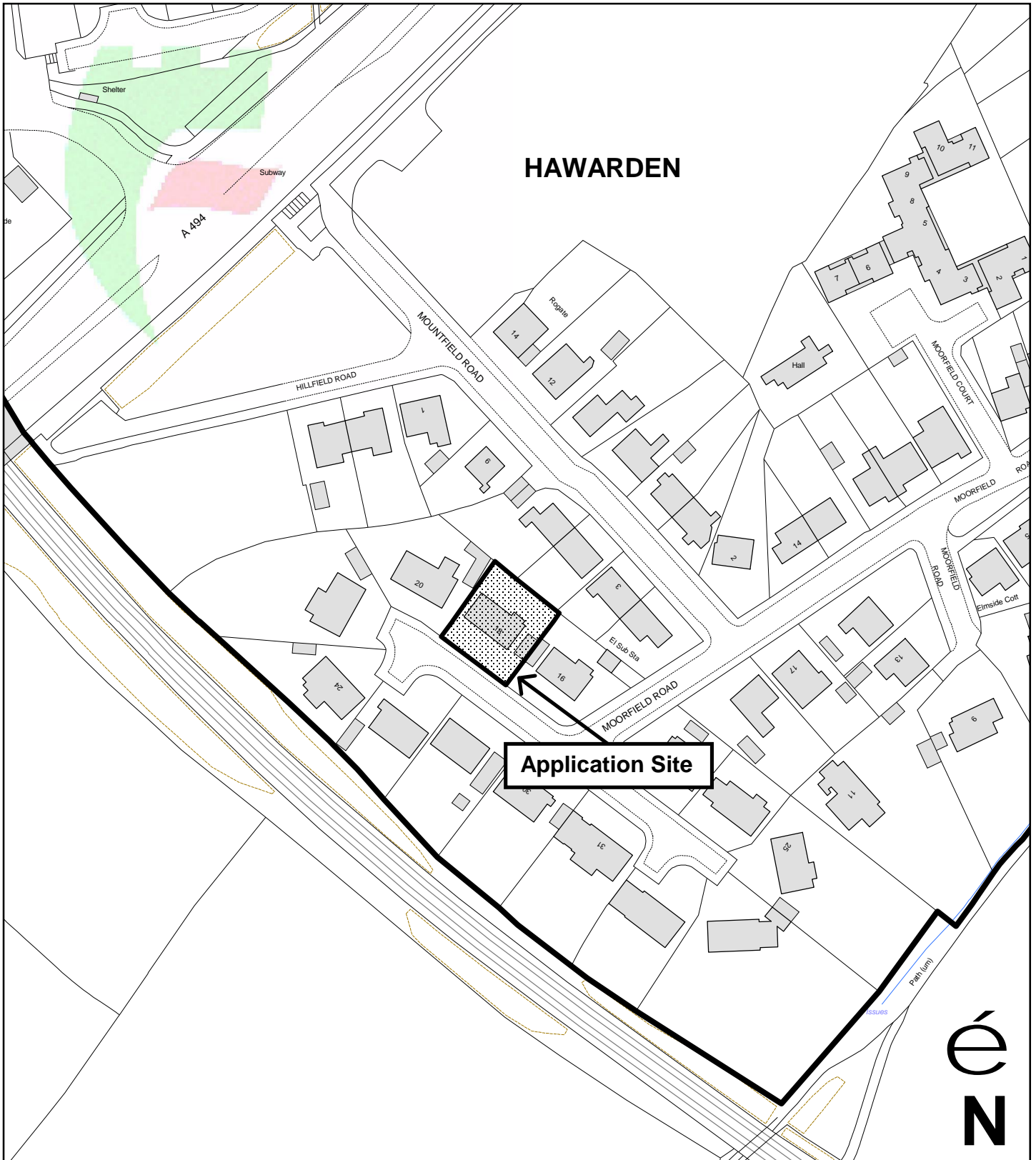
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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**

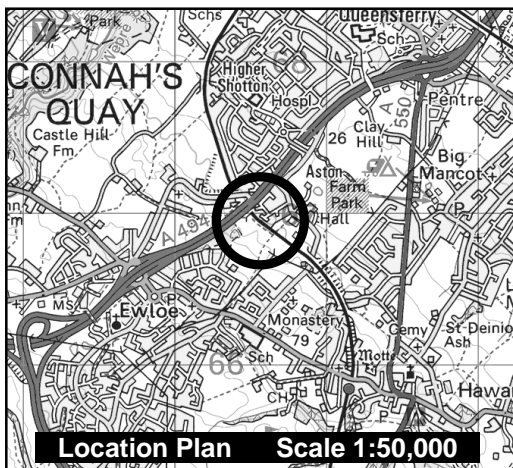
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** Mr Dan McVey  
**Telephone:** 01352 703266  
**Email:** Daniel.McVey@flintshire.gov.uk



# HAWARDEN

**Application Site**

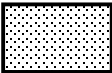



**Location Plan Scale 1:50,000**



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

### Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 3067
Planning Application	<b>57070</b>

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **APPLICATION FOR DISCHARGE OF SECTION 106 CONDITION FOLLOWING GRANT OF PLANNING PERMISSION - P/12/24844 AT BANNEL HOUSE, CHESTER ROAD, PENYMYNYDD**

**APPLICATION NUMBER:** **056692**

**APPLICANT:** **MR AND MRS POVEY**

**SITE:** **BANNEL HOUSE, CHESTER ROAD, PENYMYNYDD**

**APPLICATION VALID DATE:** **22<sup>ND</sup> MARCH 2017**

**LOCAL MEMBERS:** **CLLR WILLIAMS AND CLLR HINDS**

**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **REMOVAL OF SECTION 106 REQUIRES A COMMITTEE DETERMINATION**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 This is a full application for the discharge a Section 106 Agreement relating to a dwelling house at Bannel House, Chester Road, Penymynydd, which sought to restrict the use of the property to occupation by a worker in relation to the golf driving range.

1.02 The main issue to be considered is whether there have been any material change in circumstances since the section 106 was signed in 1996.

It is considered that the discharge of the Section 106 agreement is

1.03 acceptable as the dwelling is no longer reasonably required for the daily running of the golf driving range.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO A LEGAL AGREEMENT**

**3.00 CONSULTATIONS**

Local Member

Cllr D Williams

No Response at time of writing

Cllr C Hinds

No Response at time of writing

Penyffordd Community Council

No Response at time of writing

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification

No Response at time of writing

**5.00 SITE HISTORY**

5.01 Ref No: P/4/12/19921 The erection of a bungalow and double garage and formation of a new vehicular access on land adjacent to Bannel House, Chester Road, Penymynydd – Approved in 1990

Ref No: P/12/24844 Removal of the above occupancy condition [Condition 6 to planning permission Ref No P/4/12/19921] from the property known as Wentworth and transferring the occupancy condition to Bannel House. Approved in 1996

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements for Development

GEN 3 – Development in the Open Countryside

HSG4 – New Dwellings Outside Settlement Boundaries

Pre-Adoption Draft Supplementary Planning Guidance No 10: New Housing in the Open Countryside

Local Planning Guidance Note 22: Planning Obligations



## **7.00 PLANNING APPRAISAL**

- 7.01 This is a full application for the discharge of a Section 106 Agreement relating to a dwelling house at Bannel House, Chester Road, Penymynydd. Bannel House and the associated Bannel Golf Driving Range both located in the open countryside, between Chester Road to the south and Bannel Lane to the north. It is identified as being outside of any settlement boundary as defined by the Flintshire Unitary Development Plan.
- 7.02 The applicants, Mr L Povey and Mrs J Povey live in Bannel House, Chester Road, Penymynydd. Mr and Mrs Povey operated the adjacent Golf Driving Range for several years. The erection of a bungalow, known as Wentworth was granted planning permission in 1990 subject to an occupancy condition limiting occupancy to persons solely or mainly employed or last employed at the existing Bannel Golf Driving Range. In 1996, two further Golf Driving Ranges opened in the local area resulting in a severe drop in income. This meant that the property known as Wentworth had to be sold. Consequently, planning permission was granted for the removal of Condition No 6 to the 1990 decision. However, this decision was subject to a Section 106 Agreement again requiring that the occupants be restricted to those person(s) engaged in the operation of the Golf Driving Range or dependants of those persons, although in this instance, to Bannel House. Wentworth was subsequently sold in May, 1998.
- 7.03 In relation to the discharge of the restrictive occupancy requirement, Supplementary Guidance Note No. 10 states that the applicant: -
- must show what changes have occurred since the granting of the original permission (at least 5 years previously);
  - prove there is no longer a need for an essential worker's dwelling on the enterprise or in the area; and
  - provide documentary evidence that reasonable efforts have been made to let or sell the property at a realistic price (i.e. below full market value) for at least a year with the occupancy condition in place.
- 7.04 It is considered that the applicants have reasonably shown that the dwelling is no longer needed for the running of the golf driving range. The essential need case submitted with the original application in 1990 would not meet the current requirements of HSG4 and it is therefore difficult to envisage how this dwelling is essential for the running of a golf driving range on the edge of a major settlement. As the property is linked to the golf driving range it cannot be sold or let to any other essential worker.

## **8.00 CONCLUSION**

It is considered that the discharge of the Section 106 agreement is

acceptable as the dwelling is no longer reasonably required for the daily running of the golf driving range.

#### 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.

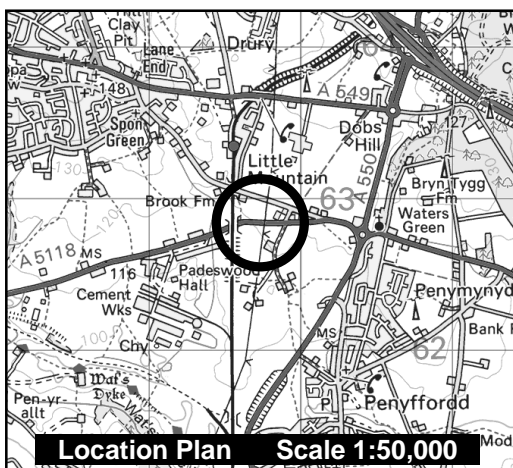
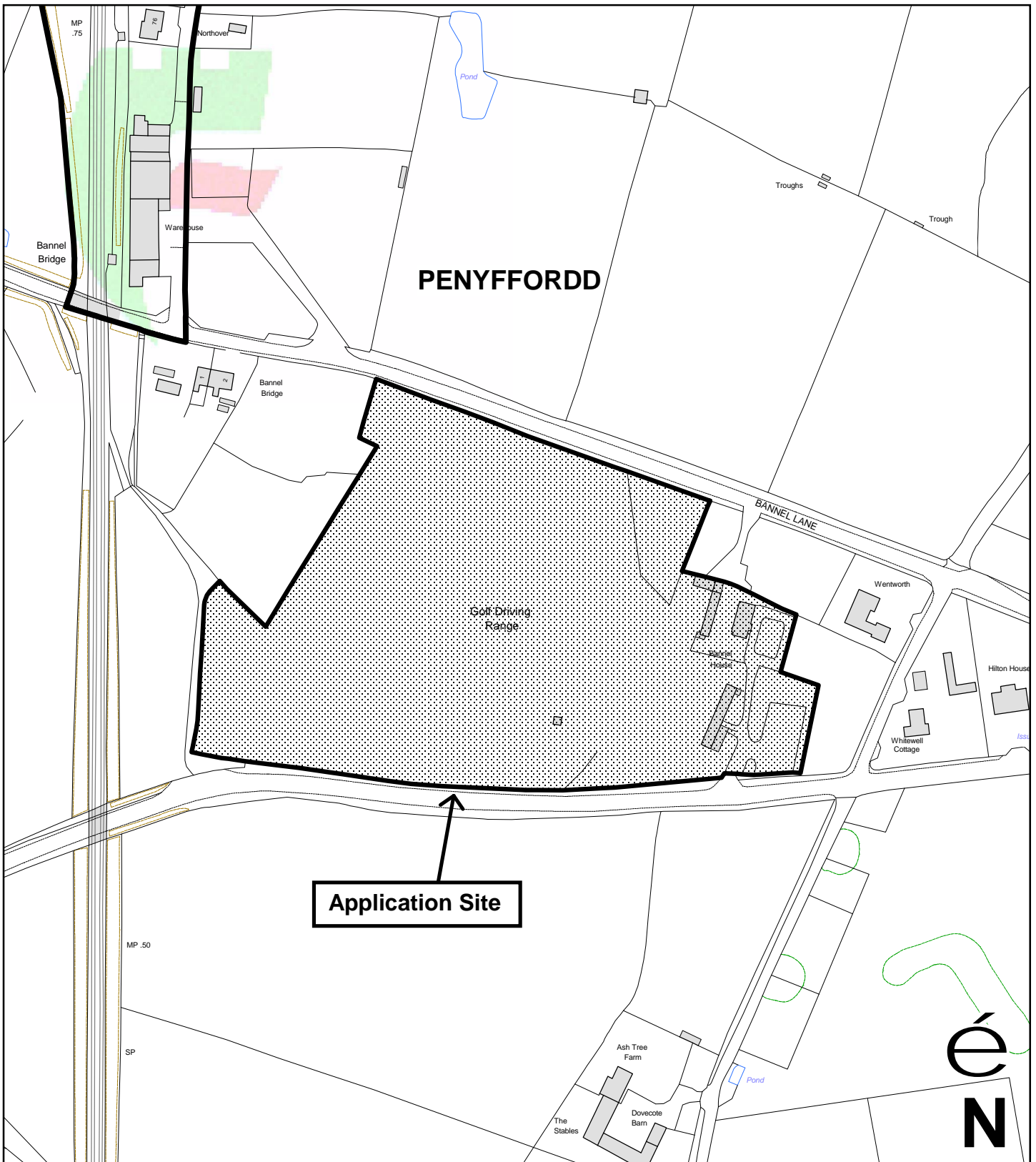
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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:** Mr D McVey  
**Telephone:** 01352 703266  
**Email:** [daniel.mcvey@flintshire.gov.uk](mailto:daniel.mcvey@flintshire.gov.uk)



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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
Licence number: 100023386.  
Flintshire County Council, 2017.

Map Scale	1:2500
OS Map ref	SJ 2962
Planning Application	<b>56692</b>

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **FULL APPLICATION- EXTENSIONS AND ALTERATIONS TO CREATE AN 11-BEDROOM HOUSE IN MULTIPLE OCCUPATION AT PENTRE HOUSE, CHESTER ROAD, PENTRE**

**APPLICATION NUMBER:** **057084**

**APPLICANT:** **MR N GITTINS**

**SITE:** **PENTRE HOUSE, CHESTER ROAD, PENTRE, CH5 2DT**

**APPLICATION VALID DATE:** **8<sup>TH</sup> JUNE 2017**

**LOCAL MEMBERS:** **CLLR D E WISINGER**

**TOWN/COMMUNITY COUNCIL:** **QUEENSFERRY**

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

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This is a full application for extensions and alterations to create an 11-bedroom House of Multiple Occupation. The main issues are considered to be the impact of the proposal upon local amenity, and traffic generation/parking.

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

2.01 1. Time commencement

2. In accordance with approved details
3. Scheme to provide facilities for parking of cycles to be submitted and approved
4. Maximum Occupancy will not exceed 15 individuals
5. Bathroom windows at second floor to be obscure glazed

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor D E Wisinger

- Requests that application is determined by Planning Committee

#### Queensferry Community Council

Objects to the proposal on the following grounds:

- The building would not be in keeping with surrounding properties
- The area would be overdeveloped
- Overlooking playing fields of Sandycroft CP school as well as neighbouring properties
- Vehicle access, additional vehicle and parking nuisance and resulting safety issues

#### Head of Assets and Transportation

- Does not believe that a recommendation for refusal on the basis of a lack of parking would be justified. Suggests condition for parking of cycles.

#### Head of Public Protection

- Requests enhanced glazing due to proximity to busy road.

#### Natural Resources Wales

- Offers no formal flood risk objections
- Recommends that landlord and users of the property register with the Flood Warning Service, and display flood risk information to be displayed in a communal area.
- Due to the proximity of site to watercourses all work must be carried out in accordance with relevant regulations.

#### Wales & West Utilities

- Apparatus in area. Promoter of works should contact Wales & West Utilities to discuss their requirements before works commence on site.

### **4.00 PUBLICITY**

#### 4.01 Neighbour Notification

Three letters of objection received:

- Site is located in flood plain
- Overlooking onto private garden
- Anti-social behaviour in past from occupiers of building
- Parking problems on highway, exacerbated by use of highway by articulated lorries
- Insufficient parking on site
- Does not consider that cycle storage as shown in Planning Statement would be possible
- Requests that fence around bin storage is reinstated
- Questions whether application is retrospective or not.

## **5.00 SITE HISTORY**

5.01 The site has been subject to the following relevant planning applications:

050367-Change of use of dwelling to HMO- Approved 21<sup>st</sup> November 2013

045332- Change of use of part of residential/retail building from workshop and storage area to residential usage- Approved 5<sup>th</sup> November 2008

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
STR4 - Housing  
GEN1 - General Requirements for Development  
GEN2 - Development Inside Settlement Boundaries  
D2- Design  
AC3 - Cycling Provision  
AC8 - Buses  
EWP17- Flood Risk

## **7.00 PLANNING APPRAISAL**

7.01 Proposal

This application is for the extension of an existing lawful House of Multiple Occupation (HMO) in order to provide rooms in the loft area to create a resultant 11 room HMO. The building currently could provide accommodation for 13 individuals, the proposed extensions will provide a better and more spacious level of accommodation for the occupants whilst serving a similar number of individuals.

7.02 Site

The site is located within the settlement boundary for Pentre which forms part of the Deeside settlements in the Adopted Flintshire Unitary Development Plan. The application property at present

constitutes the upper floors of a mixed use property comprising a Sandwich shop at ground floor and HMO accommodation at first floor level. The application site forms the end terrace property of a terrace on Chester road that have commercial properties at ground floor, including a Co-Op food store, with residential above. The upstairs residential accommodation is accessed via the rear, on Rectors Lane. The application property has planning permission for its use as a House of Multiple Occupation. The approved development has seven bedrooms, although there are no restrictions on the planning permission pertaining to maximum occupancy.

7.03 Principle of Development

The lawful use of the application premises is as a house of multiple occupation. Therefore the principle of the use as such has already been established. The current proposal is for minor extensions to the building and internal rearrangement to provide upgraded facilities and 5 no. additional bedrooms. The principle of the proposal is therefore compliant with Policy STR4 and Policy GEN2 as it makes the most efficient and effective use of existing housing stock and the conversion of existing buildings within a settlement.

7.04 Impact upon local amenity

The majority of the building work is contained within the existing building, converting the current roof space into additional accommodation. In order to provide head room in the formed rooms an element of the existing roof will be raised to the height of the ridge line of the Rectors Lane return element of the building. In addition a box dormer will be provided on the east elevation of the building. Two small dormer windows are to be introduced onto the south, Chester Road elevation.

7.05 The new windows in the box dormer on the eastern elevation will look onto the rear yards of neighbouring properties. This is mitigated somewhat both by consideration of the situation in terms of overlooking from existing windows, which I do not consider to be materially different, and the arrangement in the adjacent yards of fire escapes and existing extended elements that either screen private areas or act as front entrances for first floor flats. I do not consider the proposal to result in any adverse overlooking impacts upon neighbouring amenity areas.

7.06 It is therefore considered that the development is compliant with Policy GEN1 as it does not have a significant adverse impact on the living condition of nearby residents. Furthermore the development is of a good design, form and scale, protecting the character and amenity of locality and complying with Policy D2.

7.07 Living conditions for future occupiers

The planning unit currently comprises a HMO on the existing floors which accommodates 11 residents. The proposal seeks to convert



the existing loft space. The loft will provide additional bedrooms of a reasonable size all having their own bathrooms and windows to provide natural light and an outlook for the future occupier. A kitchen would also be accommodated in the loft space so future occupiers would not have to move in-between floors to access this facility.

7.08 Environmental protection have recommended that enhanced glazing however the building regulations process will ensure that a double glazed energy efficient unit is fitted and therefore no condition is required to be imposed.

7.09 Parking and Traffic impact

The site is located in a sustainable location within walking distance of existing bus routes and closely located to a wide range of workplaces. The developer has proposed secure cycle storage on site to provide an additional sustainable transport choice for occupiers of the HMO.

7.10 There is no Highways parking standard for this type of development in the Local Planning Guidance Note covering parking. Whilst the proposal increases the number of bedrooms in the HMO there was no restrictive condition placed on the previous permission and it is not considered that the current proposal will greatly increase the number of residents. Given the above I do not consider it appropriate to give undue weight to parking considerations in appraising the proposal. I understand from local residents that there are existing issues concerning parking and the use of Rectors lane by heavy vehicles. These problems appear to come as a result of the shops on Chester road and the Industrial units on Rectors lane and are not associated with this development, or the use of the application premises as a HMO. I therefore consider these issues to be outside of the scope of this application.

7.11 To summarise as the facility provides sufficient cycle storage the proposal is compliant with UDP Policy AC3.

7.12 Flood Risk

The site is located entirely within Zone C1 as defined by the Welsh Government's development Advice Map (DAM). Natural Resources Wales were consulted on the application and after due consideration they declined to offer any formal flood risk objections.

7.13 Given the nature of the proposals and the fact that the application premises is an existing HMO for a similar number of residents in accordance with UDP Policy EWP17 I do not consider it appropriate to request a Flood Consequence Assessment in relation to this application. I recommend that the developer is made aware, through advisory notation attached to any planning permission, of the flood risk issues and recommended to initiate registration with the NRW's Flood Warning Service.

## **8.00 CONCLUSION**

The proposed development is considered acceptable in principle for the reasons outlined above. According the application is recommended for approval

### **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.

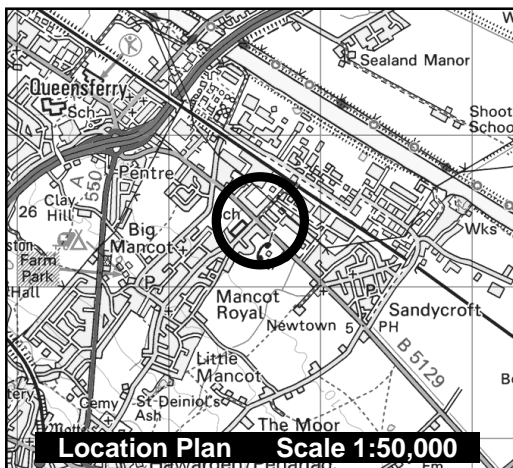
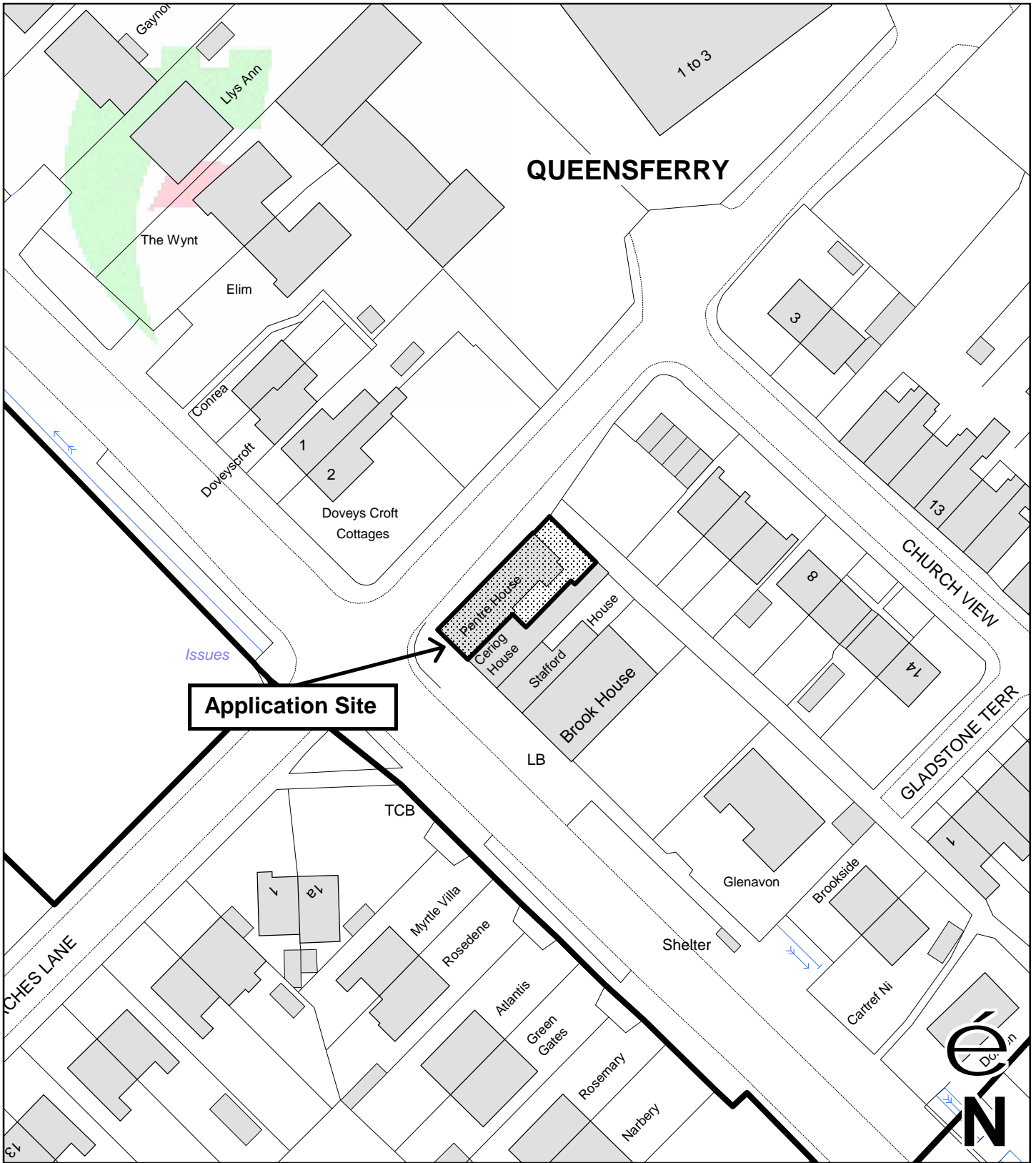
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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**

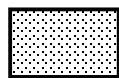
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** James Beattie  
**Telephone:** (01352) 703262  
**Email:** james.beattie@flintshire.gov.uk



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

Page 67

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:750

OS Map ref SJ 3267

Planning Application **57084**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>th</sup> SEPTEMBER 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF FIRST FLOOR EXTENSION AT 1 WILLIAM CLOSE, PENYFFORDD**

**APPLICATION NUMBER:** **057278**

**APPLICANT:** **MR & MRS JANET STEELE**

**SITE:** **1 WILLIAMS CLOSE, PENYFFORDD, FLINTSHIRE CH4 0NG**

**APPLICATION VALID DATE:** **18<sup>TH</sup> JULY 2017**

**LOCAL MEMBERS:** **CLLR C HINDS**  
**CLLR DTM WILLIAMS**

**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **APPLICANT IS RELATED TO A MEMBER OF STAFF**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 This application is for the extension of no. 1 Williams Close, Penyffordd, which is currently a bungalow, by the addition of a first floor.

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

- 2.01
1. Time limit on commencement
  2. In accordance with approved details
  3. Materials to match existing

4. Topographical plan to be provided showing finished floor levels/maximum height of roofline of resultant building.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor C Hinds- No objection

Councillor DTM Williams- No response at time of writing

#### Penyffordd Community Council

No response at time of writing

#### Head of Public Protection

No adverse comments

### **4.00 PUBLICITY**

#### 4.01 Neighbour Notification

No responses received

### **5.00 SITE HISTORY**

5.01 No relevant planning history

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

Policy GEN1- General Requirements for Development

Policy D2- Design

Policy HSG12- House Extensions and Alterations

### **7.00 PLANNING APPRAISAL**

#### 7.01 Proposal

The application is for the extension of an existing 3-bedroom bungalow by introducing a first floor, extending the dwelling upwards and creating a detached two storey dwelling.

#### 7.02 Principle of Development

The application site is within the settlement of Penyffordd as defined by the Flintshire Unitary Development Plan. The application property is a lawful dwelling.

7.03 The policy governing house extensions, policy HSG12 of the Unitary Development Plan, gives a guide figure of 50% as a maximum increase of the existing floorspace. The proposal exceeds this, being an 100% increase of the original floorspace. This guide figure should

be weighed against the main thrust of the policy, which is to ensure that development is not out of scale or form with the existing dwelling and respects the design and setting of the existing dwelling and surrounding area. The character of the surrounding area is that of two storey dwellings, both detached and semi-detached and therefore the proposal respects the design and setting of the surrounding area. The application property is one of only two bungalows in Williams Close. There is also a bungalow on Well House Drive, surrounded by two storey dwellings. As such I consider the proposal to be more in keeping with the character of the locality than the existing dwelling and therefore although the proposal would be a substantial increase the location. It is therefore considered the proposal complies with the principles a and b of Policy HSG12.

7.04 Impact upon streetscene

The three neighbouring properties that abut the application site are detached two storey dwellings of a similar scale to the proposal. At present the single storey dwelling is a slightly incongruous feature within the context of the locality.

7.05 In order to ensure that the resultant building is in keeping within the context of the streetscene I suggest the imposition of a condition requiring topographical details of the site in order to ensure that the ridge line of the resultant dwelling is in line with the existing two storey dwellings this will ensure the proposal respects the setting of the surrounding area and complies with Policy HSG12.

7.06 Impact upon neighbouring living conditions

The site is well served by residential amenity space for the size of dwelling proposed and in accordance with the SPGN2- Space around dwellings.

7.08 The rear of the resultant dwelling will be approximately 20 metres from the rear wall of no. 28 Well House Drive. Although this is 2 metres short of the distance given in the supplementary guidance the garages to the rear of both properties, and existing screening, mitigate against adverse overlooking arising from either property. The standards provided are in accordance with that provided by the prevailing pattern of development in the locality with neighbouring properties sustaining a similar relationship. It is therefore considered the proposal complies with part C of Policy HSG12 as the proposal does not have an unacceptable impact on people living nearby.

8.00 Other matters

8.01 Members attention is drawn to item 10 on the agenda which refers to a recently allowed appeal for a similar extension in Flint.

8.00 **CONCLUSION**

In conclusion I consider the proposal to be acceptable in terms of the relevant adopted policies and in context of the character of the

streetscene, and taking into account the impact of the resultant building on neighbouring amenity. As such I recommend accordingly.

#### 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.

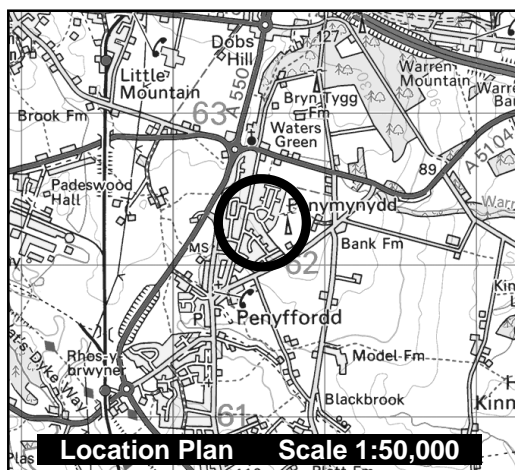
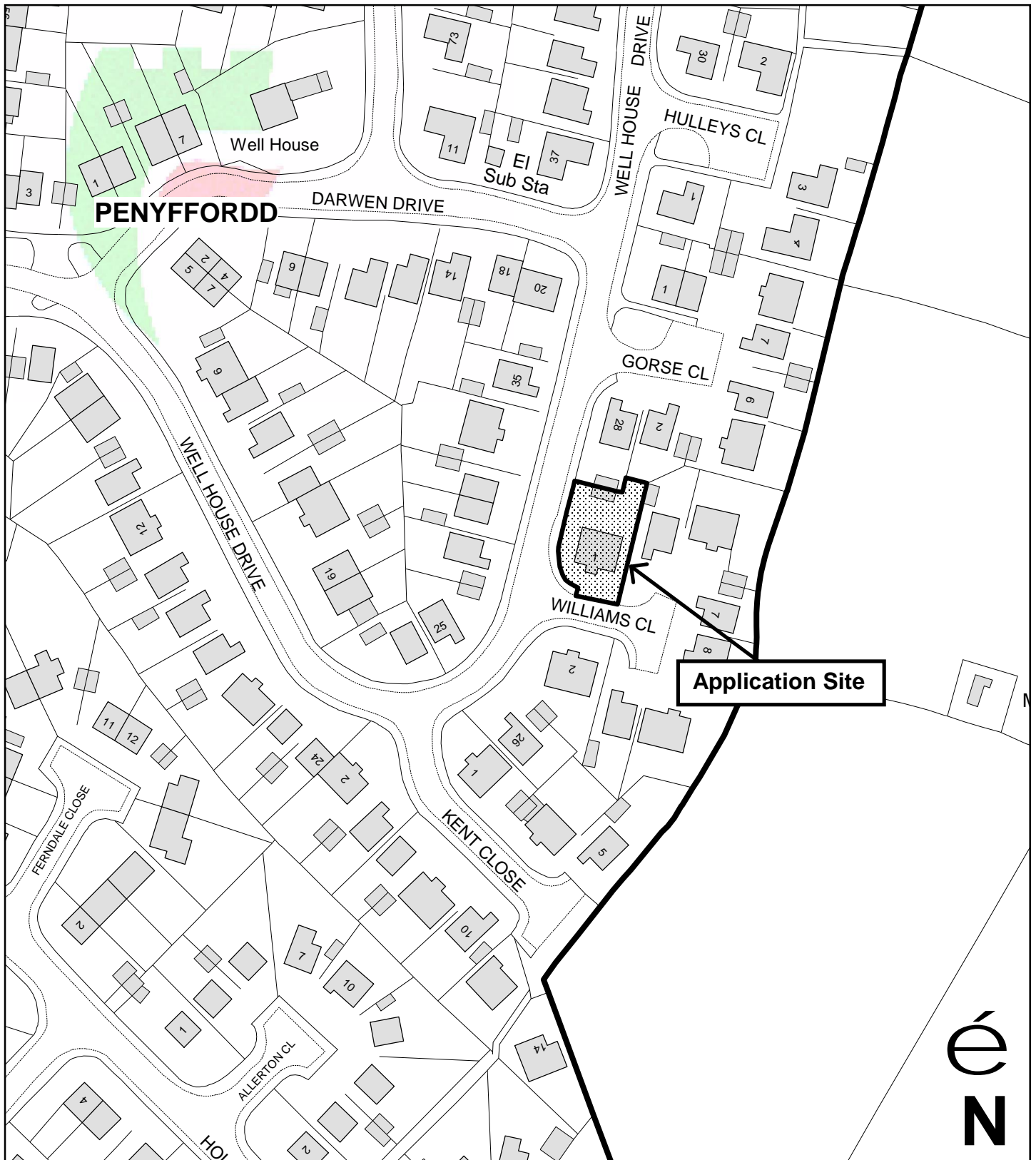
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **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





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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 3062

Planning Application **57278**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **APPEAL BY MR. PETER BARLOW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT SHED AT MAES MYNAN QUARRY, DENBIGH ROAD, AFONWEN – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 055827

**2.00 APPLICANT**

2.01 Mr. Peter Barlow

**3.00 SITE**

3.01 Maes Mynan Quarry,  
Denbigh Road, Afonwen

**4.00 APPLICATION VALID DATE**

4.01 9<sup>th</sup> August 2016

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision into the refusal to grant planning permission for the erection of a replacement shed at Maes Mynan Quarry, Denbigh Road, Afonwen, Mold, Flintshire, CH7 5UB. The application was refused by delegated powers, with the appeal dealt with by way of written representations and was **ALLOWED**. The Inspector was Clive Sproule.

**6.00 REPORT**

6.01 Background

This application was refused on 24<sup>th</sup> October 2016 by delegated powers on the basis that the proposal represented unjustified non-essential development in the open countryside, and thus not maintaining and enhancing the natural beauty of this part of the

AONB.

6.02 Issues

The Inspector considered that the main issues were whether the proposal would be an appropriate form of development in the countryside and the effect of the development on the AONB.

6.03 Development in the Countryside

The Appeal documentation indicated the existing shed to have been built in 1936 to store materials and to service vehicles used in a quarry that has subsequently been worked out. Following this, the shed was used by quarry operators involved in sand and gravel extraction in the wider locality, and the appellant bought the building in 2013.

6.04 The main body of the shed is round topped, faced with corrugated sheeting and partly set into the hillside with land levels rising from the highway next to the shed. There are also flat roofed elements of the structure projecting out from the main part of the shed. The building is in a state of disrepair, which includes glass being missing from its windows, but it was being used for the storage of vehicles when the site visit took place.

6.05 The appellant operates three caravan/leisure parks in the locality and the current storage is associated with his business. The existing shed has a certain rustic charm, but the appellant highlights that various parts of the shed could be replaced without the need for planning permission or approval of, for example, the colour of external sheeting.

6.06 The proposed replacement structure would be of a contemporary design and it would result in a rectangular building with a low pitch roof that would be clad in juniper green box profile sheeting. It would be possible to see the replacement building from the adjacent highway. In comparison to the existing shed, the proposal would appear as a simpler built form with fewer elements contributing to it. It is shown to have one main door and no windows. It would be shorter in overall length and lower in overall height than the various elements of the existing shed, but its bulk would be consistent along its length.

6.07 *Flintshire Unitary Development Plan – adopted September 2011* ('UDP') policy STR1 addresses new development with criterion a. of the policy stating that new development will be "...*generally located within existing settlement boundaries, allocations, development zones and principal employment areas and will only be permitted outside these areas where it is essential to have an open countryside location...*".

6.08 Replacing the existing shed with the proposed structure would be an act of development, and the planning application for the 'new' development to replace the shed led to this appeal. However,

although UDP policy STR1 provides the overall vision for new development in the county, it does not specifically address the replacement of existing structures.

- 6.09 In addition, there would be social benefits from the proposal that would result from the support the replacement building would provide to tourism, leisure and recreation in the wider locality and the employment (and economic activity) that it supports.
- 6.10 Consequently, the appeal proposal would be an appropriate form of development in the open countryside and there would be landscape benefits from the scope of possible planning conditions. Replacing the existing shed necessarily causes it to occur in this open countryside location, and in this respect it is 'essential', and the proposal complies with UDP policy STR1. In addition, the proposal complies with UDP policy GEN3 and the relevant parts of *Planning Policy Wales – 9th edition* ('PPW').
- 6.11 Area of Outstanding Natural Beauty  
UDP policy L2 states that development within or affecting the AONB will be permitted only where: it would maintain and where appropriate would enhance the natural beauty, wildlife and cultural heritage and preserve the natural tranquillity of the AONB; and, would be designed to a high standard using traditional materials and planting.
- 6.12 PPW highlights: the primary objective for designating an AONB is the conservation and enhancement of its natural beauty; development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of the AONB; and, the duty to have regard to AONB purposes applies to activities affecting the AONB, whether those activities lie within or outside the designated area.
- 6.13 Final comments from the appellant include a screenshot taken from the '*Lle – A Geo- Portal for Wales*' website. The screenshot is of mapping that shows the area of the AONB in the vicinity of the appeal site, and it indicates the appeal site to lie immediately outside and across the road from the AONB. Careful examination of the smaller-scale printed UDP *Main Proposals Map* also confirms the appeal site to lie immediately outside the AONB.
- 6.14 The Clwydian Range and Dee Valley AONB Joint Committee confirmed that it has no objection in principle to the replacement building, subject to the retention of existing trees and shrubs that help to screen the building and it being constructed as proposed.
- 6.15 For the reasons given above, the proposal would be of an appropriate design and its replacement of the existing shed would conserve the natural beauty and tranquillity of the AONB to comply with UDP policy L2 and the relevant parts of PPW.

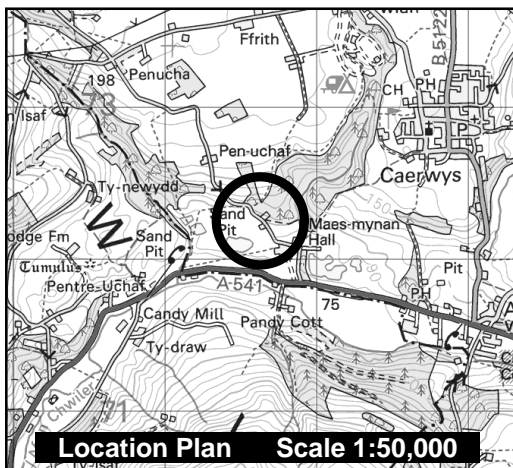
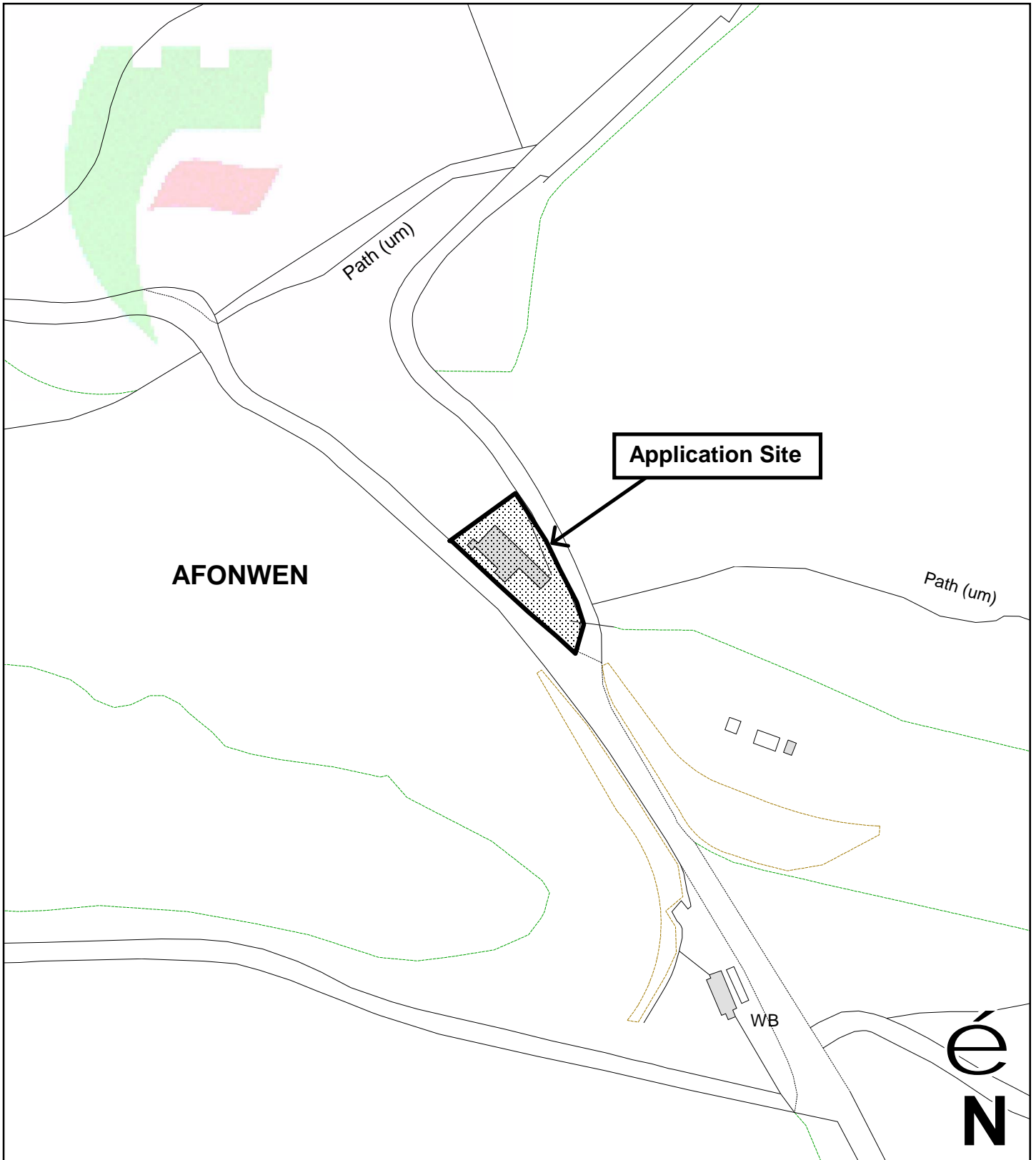
## **7.00 CONCLUSION**

- 7.01 For the reasons above, the Inspector considered that the proposed development would comply with UDP policies STR1, GEN3 and L2 and the relevant parts of PPW. All representations in this case have been taken into account and no matters have been found to outweigh the identified lack of harm, conservation of the natural beauty of the AONB and policy compliance. Accordingly, the proposal would be a sustainable form of development and the appeal was **ALLOWED**.

### **LIST OF BACKGROUND DOCUMENTS**

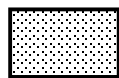
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** alan.wells@flintshire.gov.uk



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 1172

Planning Application **55827**

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **APPEAL BY MR. J. DAVIES AGAINST THE  
DECISION OF FLINTSHIRE COUNTY COUNCIL  
FOLLOWING THE REFUSAL OF OUTLINE  
PLANNING FOR ERECTION OF ONE DWELLING  
ON LAND SIDE OF BRYN GOLEU, RHYDYMWYN  
ROAD, GWERNAFFIELD – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 055866

**2.00 APPLICANT**

2.01 Mr. J. Davies

**3.00 SITE**

3.01 Land adjoining Bryn Goleu,  
Rhydymwyn Road, Gwernaffield.

**4.00 APPLICATION VALID DATE**

4.01 12<sup>th</sup> August 2016.

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision following refusal of planning permission in outline with all matters reserved on land adjacent to Bryn Goleu, Rhydymwyn Road, Gwernaffield.

5.02 The application was refused by Officer delegated powers on the 18<sup>th</sup> October 2016. The appeal was dealt with by means of informal hearing and was DISMISSED. The Inspector was Mr. I. Lloyd.

**6.00 REPORT**

6.01 The Inspector considered the main issue was whether there were any

other material considerations sufficient to outweigh any conflict with National and local planning policies.

- 6.02 The site comprises of land to side of Bryn Goleu, Gwernaffield is a category C settlement. Flintshire Unitary Development Plan Policy HSG3 permits infill on unallocated sites provided that in category C settlements that it is to meet proven local need. The proposal is for an open market dwelling and the appellant made no case in relation to local housing need, affordable housing or other housing for an essential worker. Policy HSG3 applies and is consistent with Planning Policy Wales Edition 8 (PPW).
- 6.03 Lack of 5 Year Housing Land Supply.  
The appellant's case was that a lack of a 5 year housing land supply outweighs any conflict with local and national planning policies in relation to the policy requirement to provide a local housing need dwelling. The appellant considered that the proposal complies with the other criteria of Policy HSG3.
- 6.04 The Inspector noted that the County Local Housing Market Assessment 2015 identified an annual shortfall of 246 affordable units, and therefore considered that there is a proven need for affordable housing.
- 6.05 Planning Policy Wales advocates that Local Planning Authorities should designate and identify the preferred locations for most new development in rural areas in particular clusters of smaller settlements where a functional linkage can be demonstrated. In line with this the Flintshire Unitary Development Plan provides strictly controlled development opportunities for housing in its spatial strategy and distribution for housing across the settlement hierarchy.
- 6.06 The Inspector noted that Policy HSG3 was revised in response to the previous deposit consideration of the Flintshire Unitary Development Plan by the Inspectorate. This revision was to introduce controls in smaller settlements, in order to promote sustainable development and communities by requiring that housing coming forward in these villages is unallocated sites is to meet a proven local housing need.
- 6.07 In this instance the Inspector considered that there is a proven local need and that the proposal would not comply with this Policy HSG3, and the national planning policy in relation to the provision of housing in rural settlements and areas. Whilst the proposal complied with some of the criteria of Policy HSG3, the main and key element must be that relating to local housing need.
- 6.08 Housing Land Supply  
The Inspector noted that as the Unitary Development Plan is outside the plan period the Council is unable to demonstrate a 5 year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1. As a

result the need to increase supply should be given considerable weight when dealing with planning applications, PROVIDED that the development would other comply with the development plan and national planning policies.

6.09 The Council produced its housing land monitoring statement April 2016, which calculates the housing supply based on past completion rates. It advocates that it has a 6.6 year housing land supply 8.1 year based on 10 year past completions.

6.10 The Inspector noted the appellant's assertion that the pressing need to increase housing land supply should be given considerable weight, the Inspector considered that the considerations of this appeal were to be based on location, settlement hierarchy and policy constraints.

6.11 Planning Balance and Overall Conclusions

The Inspector noted that whilst there is no distinguishable harm the character and appearance of the area and there are some social and economic benefits from the proposal to support local services. Another factor in favour is the substantial shortfall in housing land supply and this proposal would increase that supply by one dwelling.

6.12 However, this proposal fails to accord with the development plan and national planning policies in providing a local housing need dwelling. In this case the proposal would not provide other social benefits of sustainable development by improving access to secure affordable housing as one of the well-being objectives or provide cohesive and well connected communities.

6.13 Having considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Section 3 of the Well Being of Future Generations (Wales) Act 2015 and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by Section 8 of the WBFG Act.

**7.00 CONCLUSION**

7.01 The Inspector considered that the proposal balanced against these factors that the weight falls in favour of the Policy consideration and the considerable weight to the lack of housing land supply does not outweigh policy as the proposal does not accord with the development plan and national planning policies and concluded that other material considerations are insufficient to outweigh the identified conflict with local and national planning policies and that the planning balance was against allowing the appeal, the appeal was **DISMISSED**.

**LIST OF BACKGROUND DOCUMENTS**

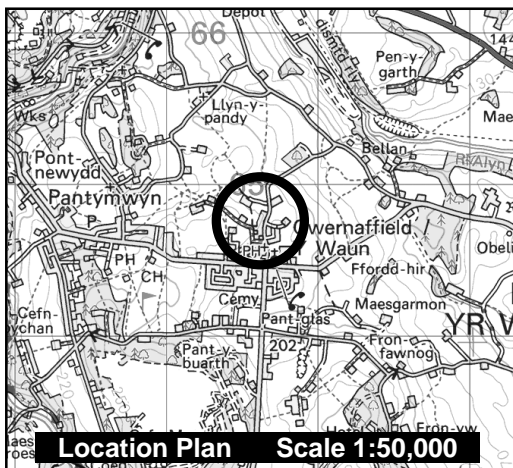
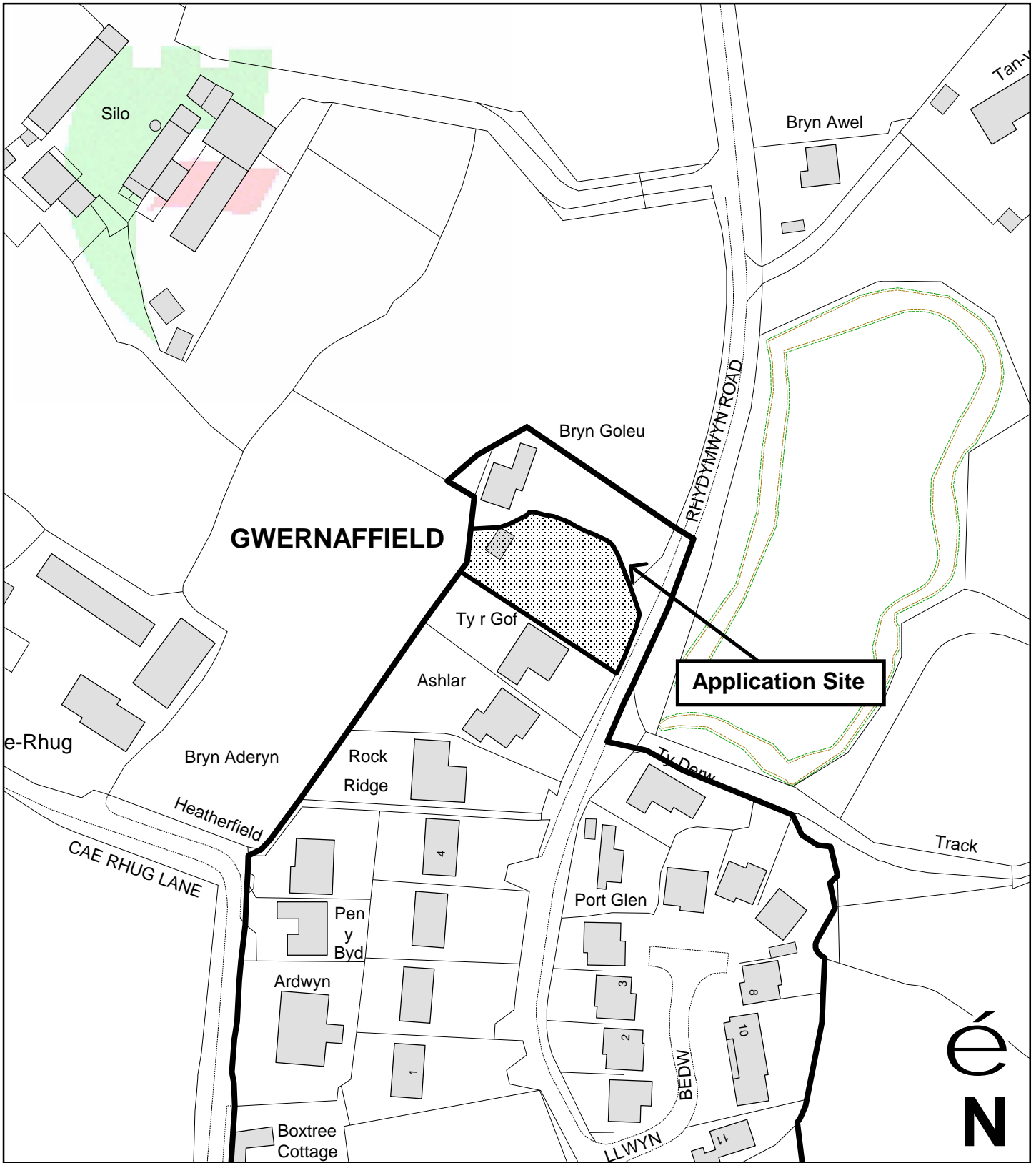
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

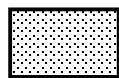
Responses to Publicity

**Contact Officer:** Barbara Kinnear  
**Telephone:** (01352) 703260  
**Email:** [Barbara.kinnear@flintshire.gov.uk](mailto:Barbara.kinnear@flintshire.gov.uk)



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 2064

Planning Application **55866**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **APPEAL BY MR. S. THOMAS AGAINST THE  
DECISION OF FLINTSHIRE COUNTY COUNCIL  
FOLLOWING THE REFUSAL OF PLANNING  
PERMISSION FOR OUTLINE PLANNING FOR  
ERECTION OF ONE DWELLING AT LAND  
ADJOINING COED DUON NURSING HOME,  
HALKYN ROAD, HOLYWELL – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 055924

**2.00 APPLICANT**

2.01 Mr. S. Thomas

**3.00 SITE**

3.01 Land Adjoining Coed Duon Nursing Home,  
Halkyn Road, Holywell.

**4.00 APPLICATION VALID DATE**

4.01 26<sup>th</sup> August 2016.

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision following refusal of planning permission in outline of one dwelling at land adjoining Coed Duon Nursing Home, Halkyn Road, Holywell.

5.02 The application was refused by Officer delegated powers on the 20<sup>th</sup> October 2016. The appeal was dealt with by written representations and was **DISMISSED**. The Inspector was Mr. C. Sproule.

**6.00 REPORT**

6.01 The Inspector considered the main issue was considered to be whether the proposed development would be an appropriate form of development in the countryside and its effect on character and

appearance.

6.02 Countryside

The Inspector noted that the overall vision and strategy aims for the Flintshire Unitary Development Plan. Policy STR1 states that development will be generally located within existing settlement boundaries, allocations, development zones and principle employment areas and will only be permitted outside these areas where it is essential to have an open countryside location.

6.03 Policy GEN3 is not permissive of development outside these areas except where it would be for certain exceptions. These aims are to protect the countryside from unsustainable development and considers the exceptions of Policy GEN3 to be very specific circumstances that may justify development in the countryside.

6.04 Appeal Site

The appeal site is part of a field and is accessed from a lane, which is also a Public Bridleway No. 28. On the opposite side of the lane is Coed Duon Nursing Home and adjacent dwellings link development in Milwr. The adjacent area is open agricultural land providing a clear edge to the development in this location. Open fields elsewhere in the streetscene and especially along sections of the A5026 emphasis this. The Inspector considered that due to the location of the appeal and the proximity of development to it, the proposal would significantly erode the clear edge to development that currently exists.

6.05 Character & Appearance

The Inspector considered that the Policies reference to in the UDP are consistent with PPW and that the proposal would erode the rural character and appearance of the site and the locality, the resulting harm to character and appearance would be significant.

6.06 The Inspector considered that the circumstances and the nature of the development proposed confirmed that the proposal would not be one of the exceptions listed in the UDP Policy GEN 3. It is apparent that the proposal would not be an appropriate form of development in the countryside and conflicts with Policies STR1 and GEN 3 and the relevant parts of Planning Policy Wales.

6.07 Other Matters  
Housing Provision 1

The Inspector considered that evidence indicated there is a lack of five year housing supply within Flintshire. However, the appeal proposal conflicts with the development plan and national planning policies. So while the appeal scheme would provide a dwelling that would contribute to meeting the housing need, this only provides limited weight in favour of the proposal.

6.08 Sustainable Development



Whilst the Inspector noted the attention drawn by the appellant to sustainable development, be considered that developing the appeal site would fail to ensure the efficient use of resources by utilising open countryside, contrary to be adopted development plan policies.

- 6.09 The Inspector considered that the development of this land would harm the character and appearance of the locality and as such the proposal would not be a sustainable form of development.

## **7.00 CONCLUSION**

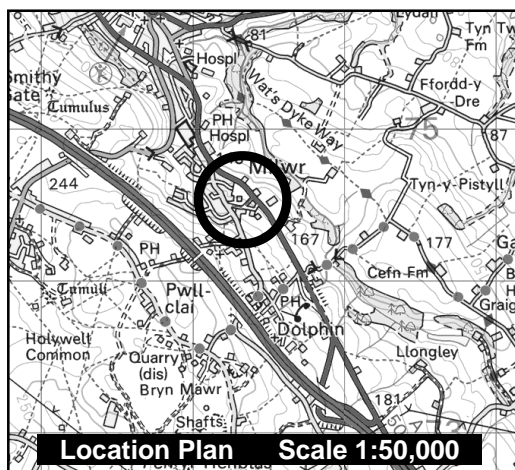
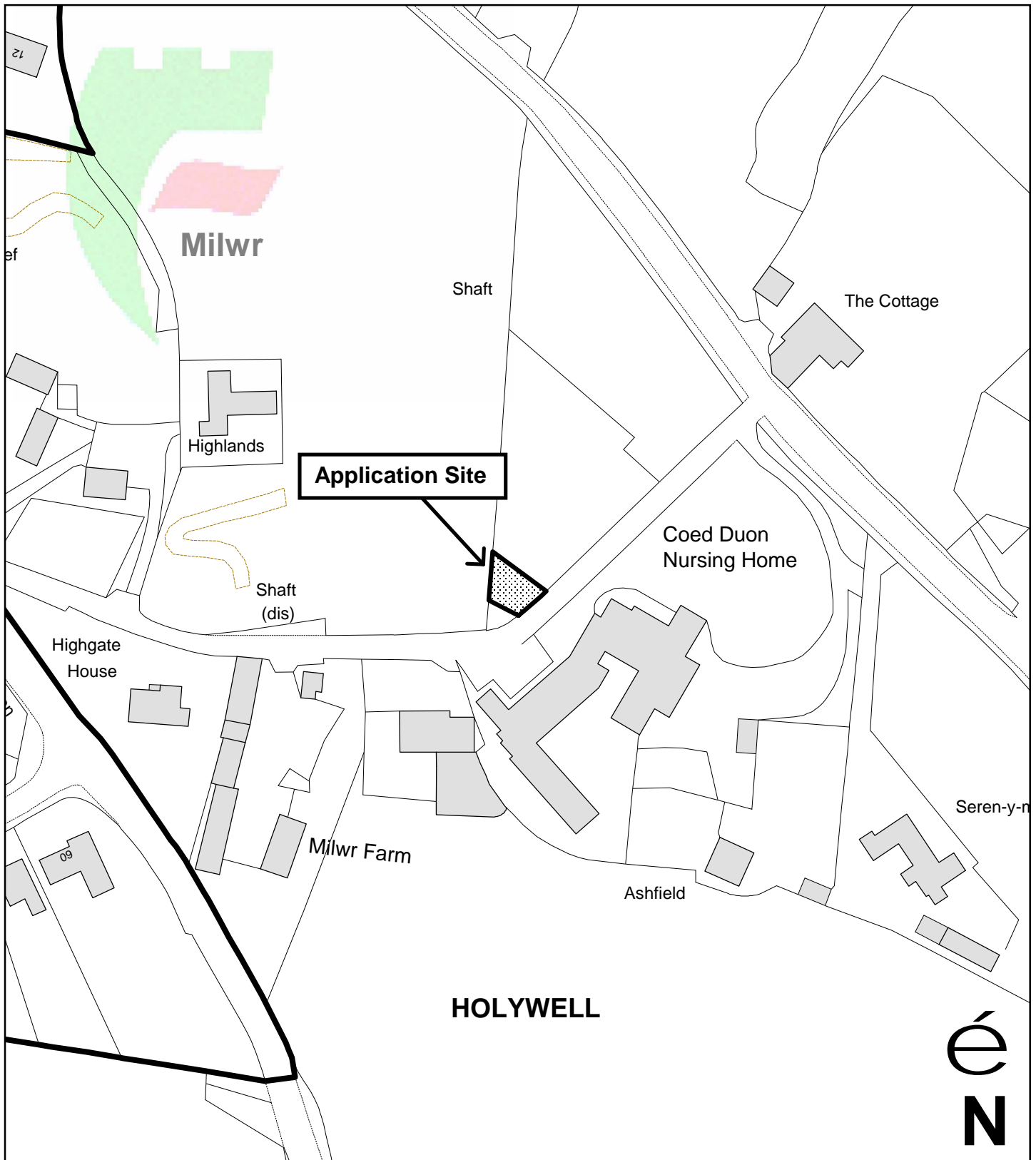
- 7.01 The Inspector concluded that the proposal was in conflict with national and local policies and the development was not sustainable development and the appeal was **DISMISSED**.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Barbara Kinnear  
**Telephone:** (01352) 703260  
**Email:** Barbara.kinnear@flintshire.gov.uk

This page is intentionally left blank



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 1974

Planning Application **55924**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> SEPTEMBER 2017**

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

**SUBJECT:** **APPEAL BY MR. C. JONES AGAINST THE  
DECISION OF FLINTSHIRE COUNTY COUNCIL TO  
REFUSE PLANNING PERMISSION FOR THE  
ERECTION OF FIRST FLOOR EXTENSION OVER  
EXISTING BUNGALOW AT 86 WINDSOR DRIVE,  
FLINT – ALLOWED.**

### **1.00 APPLICATION NUMBER**

1.01 056201

### **2.00 APPLICANT**

2.01 Mr. C. Jones

### **3.00 SITE**

3.01 86 Windsor Drive,  
Flint,  
Flintshire. CH6 5TS

### **4.00 APPLICATION VALID DATE**

4.01 10<sup>th</sup> November 2017.

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision into the refusal to grant planning permission for the erection of a first floor extension to the bungalow at 86 Windsor Drive, Flint. The application was refused by delegated powers, with the appeal dealt with by way of written representations and was **ALLOWED**. The Inspector was Anthony Thickett.

### **6.00 REPORT**

#### 6.01 Background

This application was refused on 3<sup>rd</sup> January 2017 by delegated powers on the basis that the proposal was considered by virtue of its size, design and location to have a significant detrimental impact

upon the character and appearance of the property and streetscene.

6.02 Issue

The Inspector considered the main issue to be the impact of the proposed development on the character and appearance of the area.

6.03 Character & Appearance of the Area

The Council considered that given the proposal made the bungalow into a two storey dwelling and was in an area where the predominant house type were bungalows that it would have a considerable detrimental impact upon the streetscene.

6.04 However, the Inspector felt that this statement was not borne out by a short walk up and down Windsor Drive. The properties on either side are single storey but there are houses to the rear and there is a mix of size and style of building and roof forms in the area including bungalows, dormer bungalows and houses.

6.05 The proposal would turn the existing bungalow into a house. It would be taller than its immediate neighbour on Windsor Drive and its ridge would be higher than a similar proposal permitted in 2008. The resultant building would introduce something new but given the variety in built form evident in the area, the Inspector did not consider that it would look out of place in the street scene.

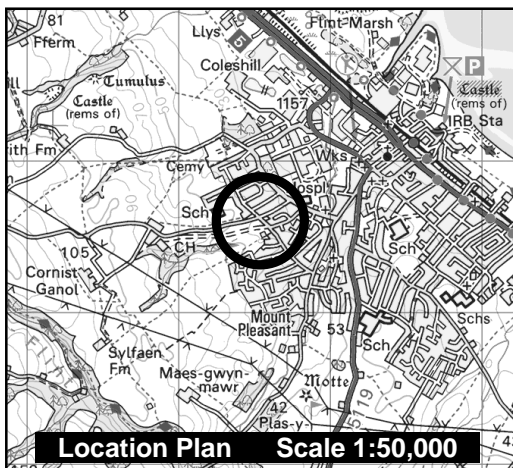
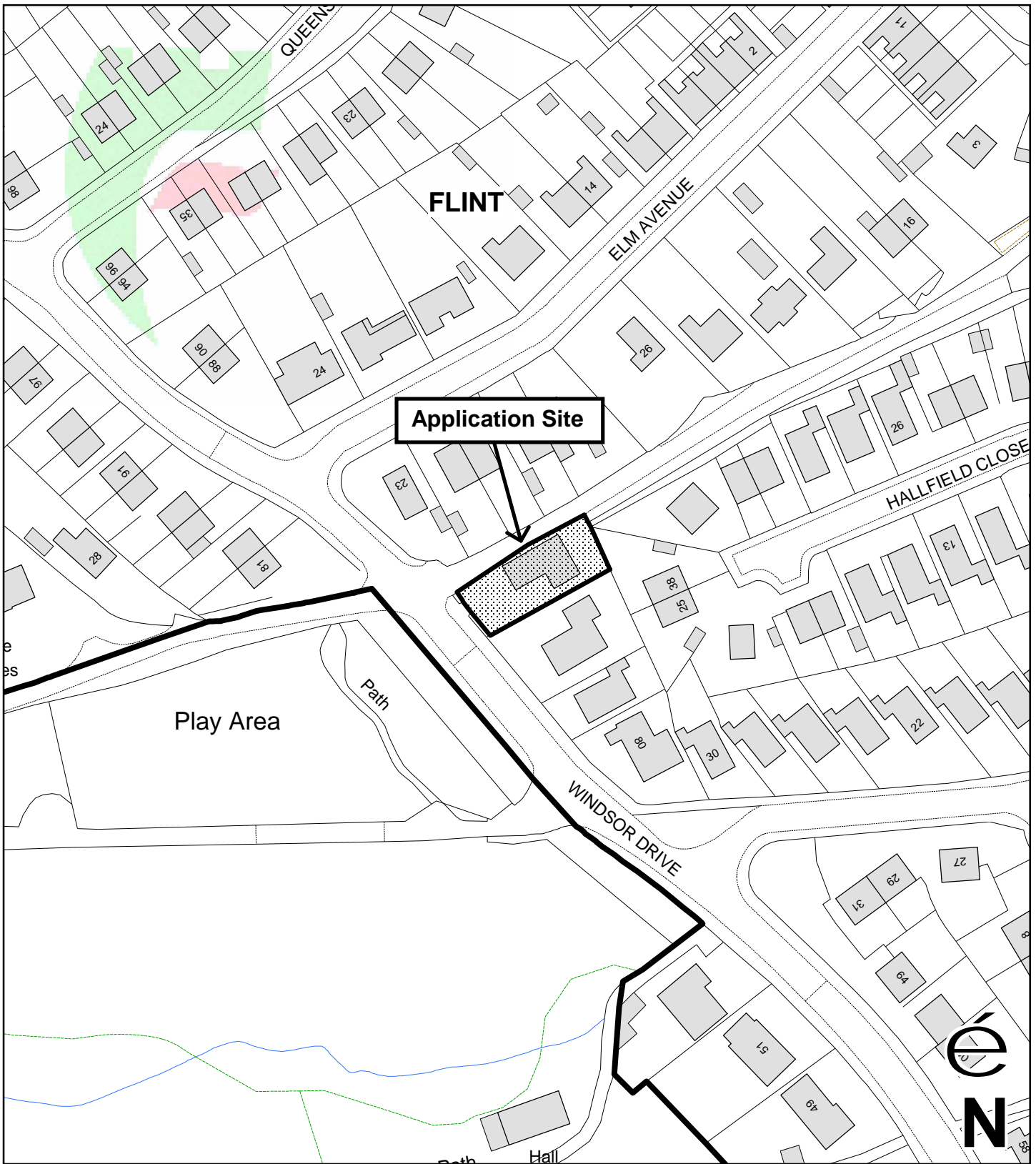
7.00 **CONCLUSION**

7.01 The Inspector therefore concluded that the proposed development would not have an adverse impact on the character and appearance of the area. The appeal was therefore **ALLOWED**.

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** alan.wells@flintshire.gov.uk



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 2372

Planning Application **56201**

This page is intentionally left blank