

# 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

3 January 2018

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

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 10TH JANUARY, 2018** 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.

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## **AGENDA**

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting held on 6 December 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.

**REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**  
**TO PLANNING COMMITTEE ON 10 JANUARY 2018**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
6.1	055369 - A	Full Application - Erection of 3 No. Dwellings and Associated Works at The Yews, Saltney Ferry. (Pages 9 - 18)
6.2	057374 - A	Full Application - Construction of 24 No. Dwellings, retention of land for community centre and Associated Works at 59 Wood Lane, Hawarden. (Pages 19 - 32)
6.3	057589 - A	Full Planning - Change of Use to House in Multiple Occupation at 68 Mold Road, Buckley. (Pages 33 - 40)

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## **PLANNING COMMITTEE** **6 DECEMBER 2017**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 6 December 2017

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

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

**APOLOGIES:** Councillors Sean Bibby, Veronica Gay, Dave Hughes, Billy Mullin, and Mike Peers

### **ALSO PRESENT:**

The following attended as local Members:

Councillors Cindy Hinds and David Williams for agenda item 7 (056694)

### **IN ATTENDANCE:**

Chief Officer (Planning and Environment); Development Manager, Service Manager - Strategy; Senior Planners; Senior Solicitor and Committee Officer.

The Senior Solicitor advised that he had received notification that Councillor David Williams and Councillor Cindy Hinds wished to speak as adjoining Local Ward Members on agenda item 7 (056694).

## **43. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **44. LATE OBSERVATIONS**

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

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MIId=4140&Ver=4&LLL=0>

## **45. MINUTES**

The draft minutes of the meeting held on 8 November 2017 were submitted.

**RESOLVED:**

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

**46. ITEMS TO BE DEFERRED**

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

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

**RESOLVED:**

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

**48. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That the press and public be excluded from the meeting as the following item was considered to be exempt by virtue of paragraph 16 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

**49. 056694 – APPEAL BY THE STRATEGIC LAND GROUP AND GREEN GATES HOMES (NW) LTD AGAINST REFUSAL TO GRANT PLANNING PERMISSION FOR 32 DWELLINGS ON LAND AT HAWARDEN ROAD (PLANNING REFERENCE 056694)**

**RESOLVED:**

That in light of the Council's Barrister's advice the Local Planning Authority will not continue to contest the appeal but will attend the Inquiry to explain its position and assist the Inquiry as necessary, including taking part in the conditions and obligations session in respect of the proposed development.

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

On commencement of the meeting, there were 6 members of the public and no members of the press in attendance.

(The meeting started at 1.00pm and ended at 2.43pm)

.....  
**Chairman**

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**PLANNING COMMITTEE ON 6 DECEMBER 2017**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
057540	Flint Town Council	Full Application – Amendments to previously approved house types to allow for 73 dwellings (an increase by 9 on previous approval (ref: 050300) at Croes Atti, Chester Road, Oakenholt.	Mr. J. Yorke, spoke against the application.  Ms. H. Wild, the applicant, spoke in support of the application.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer recommendation.
057633	Hope Community Council	Amendment to previously approved application for two dwellings Ref: 055414, to allow change in house types at Rhyddyn Farm, Hawarden Road, Hope.	Mrs. V Mirze spoke against the application.  Mrs. B. Shallish, the applicant, spoke in support of the application.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer recommendation, and the additional condition for visibility sightline of 2.4m x 43m. Parking and turning.



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **10<sup>TH</sup> JANUARY 2018**

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

**SUBJECT:** **FULL APPLICATION – 3 NO. DWELLINGS AND ASSOCIATED WORKS AT THE YEWS, SALTNEY FERRY.**

**APPLICATION NUMBER:** **055369**

**APPLICANT:** **PARRY GRIFFITHS HOMES LIMITED**

**SITE:** **THE YEWS, SALTNEY FERRY**

**APPLICATION VALID DATE:** **26<sup>TH</sup> APRIL 2016**

**LOCAL MEMBERS:** **COUNCILLOR R. LLOYD**

**TOWN/COMMUNITY COUNCIL:** **SALTNEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS ADEQUACY OF DRAINAGE AND POTENTIAL FLOODING IMPACT**

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

### **1.00 SUMMARY**

- 1.01 This full application proposes the erection of 3 No dwellings and associated works on land adjacent to an existing residential development at “The Yews”, Saltney Ferry, Flintshire. For Members information progression of the application has been protracted given the need for a Flood Consequences Assessment ( FCA ) to be submitted as part of this application, in order to assess whether the potential consequences of flooding can be acceptably managed.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on-site recreational provision. The commuted sum payment would be used to enhance the toddler provision at the children's play area at Bradshaw Avenue, Saltney Ferry.
- 2.02 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above, if not completed within six months of the Committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to **REFUSE** the application.
- 2.03
1. Time limit on commencement of development
  2. In accordance with approved plans
  3. Samples of materials to be submitted and approved
  4. No development to commence until details of retaining structures within 3m of the adopted highway network have been submitted and approved
  5. Gradient of driveways not to exceed 1 in 10
  6. Finished floor levels of buildings to be no lower than 6.35 AOD
  7. Driveway levels to be set no lower than 5.9m AOD
  8. Ground levels (except dwellings, raised patio areas and driveways) should not be raised above pre-development levels.
  9. Scheme for emergency access/evacuation to be submitted and approved. Development to be carried out in accordance with approved details.
  10. No development to commence until land contamination survey has been submitted and approved. Mitigation where necessary
  11. No vehicle movements/deliveries / site construction works to take place outside of 0900 – 1700 hrs

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor R Lloyd

Declares personal and prejudicial interest in the application and nominates Councillor D Butler to act as ward member on his behalf

Councillor D Butler

Requests site visit and planning committee determination in order to assess impact of development on existing dwellings in proximity to the site, given need to raise site levels to address flooding concerns.

Saltney Town Council

No response received.

Highway Development Control Manager

Recommend that any permission includes conditions requiring the details of any retaining structures within 3m of the adopted highway and gradients of proposed access points be submitted.

Head of Public Protection

Request that any permission includes a condition requiring the submission of a land contamination survey prior to the commencement of development

Dwr Cymru/Welsh Water

Development will require the diversion of existing sewers which cross the site for which a Section 104 Agreement will be required.

Natural Resources Wales

Following the submission of a Flood Consequences Assessment, do not object subject to the imposition of conditions to control finished floor levels of the proposed buildings, driveway levels and ground levels

Public Open Spaces Manager

Request the payment of £1,100 per dwelling in lieu of on-site recreational provision. The monies would be required to enhance the toddler play provision at the children's play area located at Bradshaw Avenue, Saltney Ferry.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

1 letter of objection received which expresses concern about increased vehicles movements within the cul de sac on the safety of existing residents and uncontrolled hours of construction works being detrimental to residential amenity.

**5.00 SITE HISTORY**

5.01 054917 – Erection of 3 No two storey dwellings including drainage, landscaping and all other associated works  
Withdrawn 10th March 2016

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location and Layout.

Policy D2 – Design.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.  
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.  
Policy HSG8 – Density of Development.  
Policy EWP17 – Flood Risk.  
Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.  
Local Planning Guidance Note 13 – Open Space Requirements.  
Local Planning Guidance Note 22 – Planning Obligations.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This full application proposes the erection of 3 No dwellings and associated works on land adjacent to an existing residential development “The Yews”, Saltney Ferry, Flintshire. The site the subject of this application amounts to approximately 0.07 hectares in area and comprises vacant land which is located between The Yews and rear of properties at Leyland Drive and those properties which front onto the A5104. This existing development predominantly comprises a mix of detached / semi-detached dwellings.

7.02 Proposed Development

The plans submitted as part of this application propose the erection of a pair of semi-detached and 1 No single detached dwelling. It is proposed that the site is accessed from an existing cul-de sac at The Yews which in itself is accessed from Saltney Ferry Road. The proposed dwellings would have a ridge height of approximately 7.95m and be constructed having facing brick external walls and concrete tile roofs.

7.03 Main Planning Issues

It is considered that the main planning issues in relation to this application are as follows:-

- a. Principle of development having regard to the planning policy framework.
- b. Proposed scale of development and impact on character of site/surroundings.
- c. Adequacy of access to serve the development; and impact on privacy/amenity of occupiers of existing and proposed dwellings.
- d. Adequacy of drainage and potential impact of flooding.
- e. Impact on privacy/amenity.

7.04 Planning Policy

The site is located within the settlement boundary of Saltney Ferry as defined in the Flintshire Unitary Development Plan which is classified as a Category B settlement. The principle of development for general

housing market demand, is considered to be acceptable at this location subject to the safeguarding of relevant amenity considerations.

- 7.05 Scale of Development/Impact on Character of Site/Surroundings.  
The character of existing development in proximity to the site as previously outlined, is defined by a mix of detached and semi-detached properties set within a range of different depths of residential curtilages. It is considered that the scale/form/design of the development proposed would be reflective of and sympathetic to this existing character and would not represent overdevelopment at this location.
- 7.06 The concerns/objections relating to the level of vehicular usage having a detrimental impact on the privacy/amenity of occupiers of existing properties are duly noted. It is not considered however, having regard to the existing highway pattern that this would be so unacceptable in order to warrant refusal of the application and the Highway Development Control Manager recommends that any permission be subject to conditions. It is however recognised that the configuration of the access which is obtained past existing properties, is such, that in order to minimise the impact of development during construction works on the privacy/amenity of occupiers of existing properties, that any permission is subject to the imposition of a condition requiring the submission/approval of a Construction Traffic Management Plan. This will enable the hours of work and timing of deliveries and main construction traffic arrivals to be controlled in order to seek to address the concerns highlighted.
- 7.07 Adequacy of Drainage / Flood Mitigation  
The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with Natural Resources Wales (NRW) Dwr Cymru/Welsh Water, and the Council's Drainage Engineer.
- 7.08 Given the site's location within Flood Zone A, a Flood Consequences Assessment (FCA) has been submitted and considered by NRW in order to ensure that the impact of development from flooding can be acceptably managed. As a result NRW have advised that they raise no objection to the development subject to the imposition of a condition to control the site and finished floor levels of the buildings proposed.
- 7.09 In addition consultations have been undertaken with Dwr Cymru/Welsh Water who raise no objections to the development in terms of the capacity of the existing system to serve the development proposed, subject to the diversion of 2 No. existing sewers which cross the site will however be required under a Section 104 Drainage Agreement and the imposition of conditions to ensure the separation of foul and surface water discharges from the site. The Council's

Drainage Engineer has also advised that on the basis of the details submitted regarding capacity for surface water storage, that the drainage scheme proposed is acceptable.

7.10 Impact on Privacy/Amenity

Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development. Having regard to the layout proposed no direct overlooking of existing properties is proposed and the privacy/amenity of existing/proposed occupiers would be safeguarded in accordance with Local Planning Guidance Note 2 – Space About Dwellings.

**8.00 CONCLUSION**

8.01 In conclusion, it is my view that the proposed scale/form of development would be sympathetic to the character of the site and surroundings. Consultation on the application has been undertaken with the Highway Development Control Manager who raises no technical objection to the proposed development. It is however considered that due to the configuration of the cul de sac at The Yews and its relationship to existing properties from which their individual access is derived, that controls over vehicular movements to serve the development during construction works and hours of operation are required from a safety and amenity perspective.

8.02 An assessment of the drainage/flooding issues in respect of the development has also been undertaken with National Resources Wales, Dwr/Cymru/Welsh Water and the Council's Technical Drainage Department. As a result no objections to the development have been received subject to the diversion of the 2 No. existing sewers which cross the site and the imposition of conditions. I therefore recommend accordingly.

8.03 In considering this planning application 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.

8.04 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.

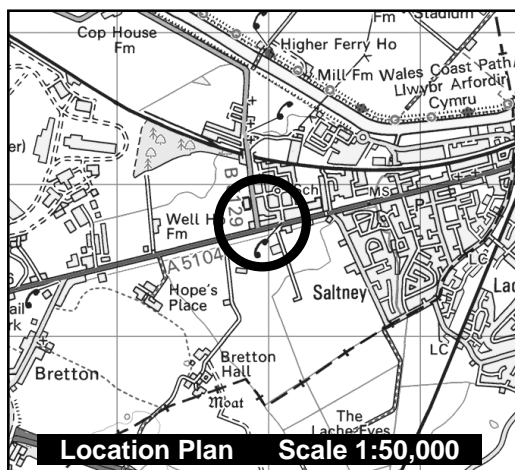
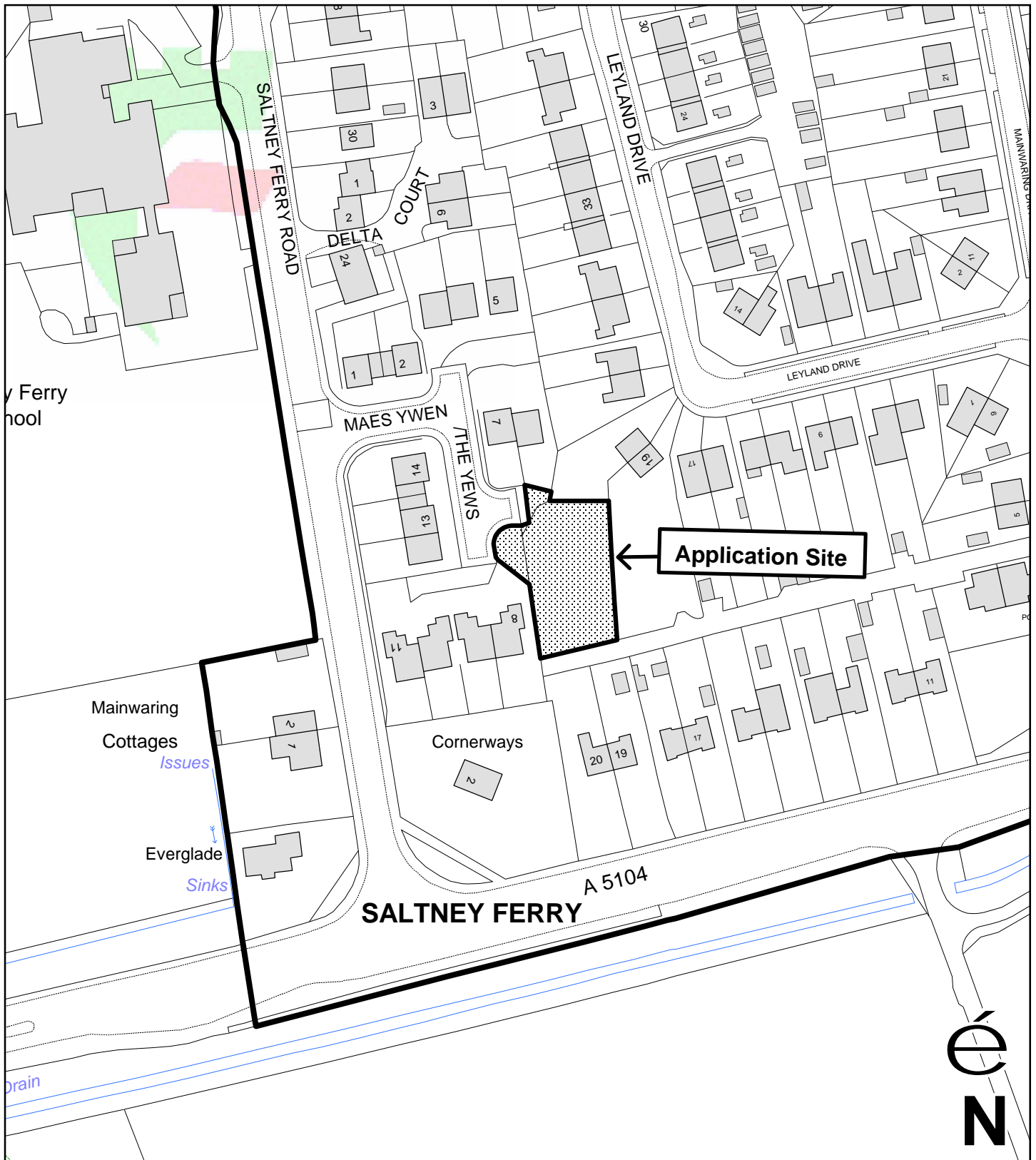
#### **LIST OF BACKGROUND DOCUMENTS**

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

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3664

Planning Application **55369**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **10<sup>TH</sup> JANUARY 2018**

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

**SUBJECT:** **CONSTRUCTION OF 23 NO DWELLINGS, RETENTION OF LAND FOR COMMUNITY CENTRE AND ASSOCIATED WORKS AT LAND SIDE OF 59 WOOD LANE, HAWARDEN.**

**APPLICATION NUMBER:** **057374**

**APPLICANT:** **EDWARDS HOMES LTD**

**SITE:** **LAND SIDE OF 59 WOOD LANE, HAWARDEN CH5 3JG**

**APPLICATION VALID DATE:** **7<sup>TH</sup> AUGUST 2017**

**LOCAL MEMBERS:** **COUNCILLOR D I MACKIE**  
**COUNCILLOR Ms J AXWORTHY**

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

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

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

### **1.00 SUMMARY**

- 1.01 This full application proposes the erection of 23 No. dwellings and the safeguarding of a part of the site which is to be gifted to Hawarden Community Council, for the erection of a new community centre on land to the side of 59 Wood Lane, Hawarden, Flintshire.

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

2.01 That conditional planning be granted subject to the applicant entering into a Section 106 Obligation / Unilateral Undertaking to :-

- a) Ensure the payment of £1,100 per dwelling in lieu of on-site recreational provision the monies being used to enhance toddler play facilities at Fron Heulog, Hawarden.
- b) Ensure the payment of an educational contribution of £73,542.00 towards IT/Resources/Outdoor Classroom at Penarlag Community School, Hawarden and £73,876 towards further changing facilities at Hawarden High School.
- c) Secure the gifting of an area of land within the site to Hawarden Community Council for a proposed new community centre
- d) Secure the relocation of existing off-site traffic calming (speed cushions) on Wood Lane

Conditions

1. Timescale for development
2. In accordance with approved plans
3. Materials to be submitted and approved
4. Scheme for integrated drainage of the site to be submitted and approved
5. Site Levels/ Finished Floor Levels to be submitted and approved
6. Scheme for integrated drainage of the site to be submitted and approved
7. Siting layout and design of access to be submitted and approved
8. Forming and construction of site access not to commence until design has been submitted and approved
9. Works associated with the forming of access to be kerbed and completed to carriageway base course layer prior to commencement of other building operations
10. Access to have a visibility of 2.4m x 43m in both directions
11. Visibility splays to be kept free from obstruction for duration of site construction works
12. Facilities to be provided and retained for the parking of vehicles
13. Front of garages to be set back a minimum of 5.5m behind back of footway
14. No development to commence until layout design, means of traffic calming, signage, surface water drainage, street lighting and construction of estate roads to be submitted and approved
15. Positive means to prevent surface water run-off to be submitted and approved
16. No development to commence including site clearance to commence until a Construction Traffic Management Plan has

- been submitted and approved.
17. No development to commence until remedial works to treat areas of shallow mine workings have been undertaken.
  18. No development to commence until a scheme for the implementation of amphibian avoidance measures has been submitted and approved.
  19. Landscaping scheme including retention of trees/hedgerows to be submitted and approved.
  20. Implementation of landscaping scheme

### **3.00 CONSULTATIONS**

#### 3.01 Local Members

Councillor D I Mackie:

No response received at time of preparing report

Councillor Ms J Axworthy

No response received at time of preparing report

Hawarden Community Council :

No objections.

Housing Strategy Manager

The Affordable Housing Register, indicates that the housing need in Ewloe is as follows:

Affordable rent:

13no. for 2beds

11no. for 3beds

3no. 4beds

Affordable ownership:

1no. 1bed

9no. 2beds

11no. 3beds

Highway Development Control Manager:

The proposed access is affected by existing traffic calming (speed cushions) on Wood Lane, which will need to be relocated and the subject of a Section 106 Obligation. Recommend that any permission includes conditions in respect of access, visibility splay, parking, traffic calming, surface water drainage, construction of estate road and need for a Construction Traffic Management Plan.

Head of Pollution Control:

No adverse comments

Welsh Water/Dwr Cymru

No objection in principle subject to a request that any permission

includes the imposition of a condition requiring a scheme for the disposal of foul/surface water drainage

Natural Resources Wales

No objection from an ecological perspective subject to the imposition of a condition requiring the implementation of amphibian avoidance measures. In addition the site lies entirely within a Zone A flood risk area but outside of the extreme flood risk outline (risk from rivers and sea). It will however be necessary to ensure that surface water from the site can be acceptably managed.

Council Ecologist

The application is accompanied by an ecological survey which is considered to be satisfactory. No objection to the development subject the imposition of a condition to ensure no site clearance is undertaken until there has been submitted and approved a scheme for tree protection/hedgerow enhancement and reasonable avoidance measures in respect of amphibians that may be present.

Airbus

No aerodrome safeguarding objection

Coal Authority

Following the submission of a Coal Mining Report, it will be necessary to include a condition requiring the need for remedial works to treat areas of shallow mine workings.

Public Open Spaces Manager

Request the payment of £1100 per dwelling in lieu of on-site recreational provision, the monies being used to enhance toddlers play facilities located at the children's play area at Fron Heulog, Hawarden.

Capital Projects & Planning

Request the payment of £73,542 towards IT/Resources/Outdoor Classroom at Penarlag Community Primary School, Hawarden and £73,876 towards further changing facilities at Hawarden High School.

**4.00 PUBLICITY**

4.01 Press Notice, Site, Notice, Neighbour Notification

1 letter received which whilst not objecting to the principle of development, expresses concern about the increase in vehicular access points of Wood Lane and adequacy of access to serve the development proposed

**5.00 SITE HISTORY**

- 5.01 037038 – Outline – Residential development including roads and sewers – Refused 3<sup>rd</sup> February 2006.

041124 – Outline – Residential development including road and sewer works. Resolution to permit development subject to Section 106 Obligation for the safeguarding of land for community centre – 31<sup>st</sup> May 2006. Section 106 not completed – application withdrawn 17<sup>th</sup> December 2008.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy CF5(c) – New Community Centres.

### Additional Guidance

Planning Policy Wales ( PPW )

Local Planning Guidance Note 2 – Space About Dwellings.

Local Planning Guidance Note 13 – Open Space Requirements.

Local Planning Guidance Note 22 – Planning Obligations.

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 15 – Development and Flood Risk

Technical Advice Note 18 – Transport

The proposed development generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction / Site Description**

The site the subject of this application which amounts to approximately 0.88 hectares in area, is located on the southern side of Wood Lane, Hawarden, to the north of an existing residential development at Sorrell Court.

- 7.02 The site comprises a broadly rectangular vacant area of land which

gently slopes towards its eastern boundary. The north eastern boundary is defined by a line of mature trees beyond which is a further area of undeveloped land and a large electricity substation. Although the application has been submitted with reference to a Hawarden postal address, it is located within the settlement boundary of Ewloe in the Flintshire Unitary Development Plan (FUDP).

7.03 For Members information the site includes an area of land which has been safeguarded for the possible construction of a new community centre by virtue of Policy CF5(c) of the FUDP .This must be taken into account in determination of this current application.

7.04 Background History

There has been a previous background of planning history at this location as highlighted in paragraph 5.00 of this report. In summary, a previous application was refused in 2006 as it proposed residential development on the land safeguarded for community purposes, and a subsequent application was withdrawn in 2008, as the required Section 106 Obligation to secure the gifting of the land to Hawarden Community Council for the possible erection of a new community centre, was not completed.

7.05 Proposed Development

The plans submitted as part of this application propose the erection of 23 No two storey dwellings comprising a mix of detached / semi-detached dwellings on an area of the site which amounts to approximately 0.68 hectares given that 0.20 hectares in the north western corner of the site with a frontage onto Wood Lane, is identified for the construction of a new community centre. The applicant proposes to gift this land to Hawarden Community Council, which it is hoped will help to reduce development costs for any future construction of the centre, allowing the community council to secure grant aid if available. For Members information the construction of the community centre does not form part of this application and would require the submission of a further planning application for its development.

7.06 It is proposed that the dwellings which front onto Wood Lane and the proposed estate road/turning head and comprise a mix of 2/3/4 bed detached / semi - detached units are constructed having facing brick/render external walls and concrete tile roofs

7.07 Main Planning Issues

It is considered that the main issues to be taken into account in determination of this application can be summarised as follows:-

- a. Principle of development having regard to the planning policy framework.
- b. Safeguarding of part of the site for the possible erection of a new community centre.



- c. Scale of development.
- d. Impact on character of the site and surroundings.
- e. Affordable housing provision
- f. Impact on privacy/amenity.
- g. Adequacy of access.
- h. Adequacy of foul and surface water drainage.
- i. Leisure / education contributions
- j. Ecological Impacts

7.08 Principle of Development

Although not an allocated housing site, it is located within the settlement boundary of Ewloe as defined in the FUDP. Ewloe is a category B settlement which had a growth threshold of 15% above which further development would need to be for local housing need. However the monitoring of growth as part of the FUDP has now ended. The principle of residential development to meet general housing demand is therefore acceptable subject to ensuring a well-balanced layout and the safeguarding of residential amenity.

7.09 Safeguarding of Land for Proposed Community Centre

For Members information policy CF5(c) of the FUDP allocates land on the eastern boundary of the application site, for the proposed erection of a community centre. This current application and a candidate site submission received as part of the Local Development Plan (LDP) process, however, proposes relocation of the centre near to and in part adjacent to the frontage of the site onto Wood Lane, so that it is more easily accessible and provides more of a focal point to the proposed development. It is understood that this approach has been supported in consultation with Hawarden Community Council, on the basis that it remains of the same area to that initially proposed in the FUDP allocation. In order to accommodate this change, the site layout has been amended with the number of dwellings proposed being reduced from 24 to 23. The safeguarding of the revised area of the site for a future community centre is in my view acceptable in locational terms, subject to it being secured through the completion of a Section 106 Obligation.

7.10 Scale of Development

It is considered that the scale of development proposed i.e., 23 No. dwellings on approximately 0.68 hectares would not represent overdevelopment at this location. For Members information the scale/density of development proposed at approximately 34 dwellings per hectare is at a higher level than the 30 dwellings per hectare which is specified as a minimum density that it is sought to be achieved on allocated housing sites in Policy HSG8 of the Flintshire Unitary Development Plan. The scale of development which has been reduced by the desire of the community council to retain an adequate area of the site for the community centre (see paragraph 7.09 above) is considered acceptable in terms of maximising the use of land, having regard to the site constraints in particular the need to

safeguarding a number of existing trees/hedgerows and respecting the character of existing development in proximity to the site.

7.11 Impact on Character of Site and Surroundings

The character of existing development at this location is principally defined by a mix of detached and semi-detached 2 storey properties of a modern suburban appearance. This has helped to set the context for the proposed development which proposes a mix of 2/3/4 bedroom 2 storey dwellings which it is considered are sympathetic to and reflective of this existing character.

7.12 Affordable Housing

As identified in the consultation response from the Housing Strategy Manager there is a local need in Ewloe for affordable rent and ownership. The Inspector in the Argoed Service Station appeal (3161711) made clear that Council should take account of meeting local need when assessing housing proposals in suitable appropriate schemes as stated in FUDP Policy HSG 10.

7.13 However, the Inspector drew upon the reasoned justification for FUDP Policy HSG10 which states that the Policy seeks to provide at least 30% of affordable housing on sites with a minimum threshold of 1.0 hectare or 25 dwellings. The Inspector considered with regard to the Argoed Service Station proposal that Policy HSG10 contained no pro-rata approach to affordable housing and therefore (aside from no local need being identified for that proposal) the requirement to provide affordable housing could not be required.

7.14 Members will note that the developable area of the site is less than 1 hectare and the number of dwellings proposed less than 25 and therefore in line with the reasoned justification for Policy HSG10 it would neither be appropriate or suitable to require provision of 30% affordable housing.

7.15 Impact on Privacy / Amenity

Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development. The proposed layout takes into account the relationship of the site to existing development, particularly on Wood Lane and Sorrell Court where these dwellings are closest to the application site, and ensures that the separation distances between properties would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.16 Adequacy of Access

Whilst the objection received to the development on highway grounds is duly noted, consultation on the application has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site

to serve the development proposed (including a future proposal for a community centre) and the acceptability of the proposed site layout. It is noted that the proposed access location is affected by existing traffic calming on Wood Lane (speed cushions) which would need to be relocated to facilitate future development at this location. Any proposed relocation of the traffic calming features would require separate consent under highway legislation but responsibility for their removal will rest with the developer and would need to be controlled/financed through the completion of a Section 106 Obligation

7.17 Notwithstanding the above requirement a technical assessment of the acceptability of the proposed access to serve the development has been undertaken with there being no objection subject to the imposition of conditions as outlined in paragraph 2.00 of this report

7.18 Adequacy of Foul/Surface Drainage

The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with National Resources Wales (NRW), Dwr Cymru/Welsh Water and the Council's Technical Services Department (Drainage).

7.19 For Members information the site is located within Flood Zone A but it has been confirmed by NRW that the site lies outside the extreme flood risk outline (risk from rivers and sea). Whilst there is no objection to the development from NRW's perspective, attention has been drawn to the need to ensure that potential surface water flooding can be mitigated in consultation with the Council's Technical Services Drainage Department. At the time of writing this report the formal response of the Technical Services Drainage department was awaited and Members will be updated on the acceptability of the scheme submitted at the Planning Committee meeting.

7.20 In addition consultation has been undertaken with Dwr Cymru/Welsh Water who raise no objection in principle to the development subject to the imposition of a condition to ensure the incorporation of surface water infrastructure works to remove surface water from the public sewer system.

7.21 Leisure/Education Contributions

Members will be aware that applications of this type are the subject of consultation with both the Public Open Spaces Manager (Leisure Services) and the Capital Projects and Planning Unit within the Local Education Authority.

7.22 This consultation has established that:-

a) as there would be no on site recreational provision the development would require the payment of a commuted sum of £1100 per dwelling, the monies being used to enhance toddler play

provision at the children's play area at Fron Heulog site and  
b) the development would give rise to the need for an educational contribution requirement at both primary school and secondary school levels.

7.23 For Members information school capacity would not be available at the nearest primary school (Penarlag C.P. School) which currently stands at 196 (excluding nursery places) There are presently 188 pupils on the school roll which has only a 4.08% of surplus places. As the proposed development would generate need for a further 6 pupils this would result in the need for a primary school contribution of £73,542

7.24 In addition the impact of development at Hawarden High School is as follows. The current capacity of the school stands at 1145 with 1172 pupils currently on the school roll. The % of available school places is therefore -2.36% and as the development would give rise to an additional 4 No pupils a further educational contribution of £73,876 is required.

7.25 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.26 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests;

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.27 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.28 I am advised that since the advent of the provisions of the CIL Regulations, whilst 1 No legal obligation has been entered to in respect of Penarlag CP School, 5 No obligations have been entered

into in respect of Hawarden High School. The Director of Lifelong Learning has identified separate projects in respect of educational needs at *Hawarden* School which are distinct and separate to the projects to which the previous obligations relate to. I am advised that the sum sought as part of this current application will be used as a contribution towards a project to develop *the provision of further changing facilities which will be required to be enlarged with an increasing intake of children*. 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 *Hawarden* School is for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

#### Ecological Impacts

- 7.29 Although not a protected ecological site, an ecological report has been submitted as part of the application on which consultation has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist. The application site is located within 750m of the boundary of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) which support a population of Great Crested Newts (GCN), although there are no records of their presence within the site. Notwithstanding the above both NRW and the Council's Ecologist recommend the imposition of a condition to ensure no site clearance is undertaken until there has been submitted appropriate conditions to safeguard/enhance trees and hedgerows on the site with Reasonable Avoidance Measures (RAMs) to protect amphibians including Great Crested Newts.

#### **8.00 CONCLUSION**

- 8.01 In conclusion it is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings, with there being no objection to the principle of development from the Highway Development Control Manager, NRW or Dwr Cymru / Welsh Water.
- 8.02 Whilst the response from the Council's Technical Services Department is currently awaited regarding the acceptability of the surface water drainage proposals submitted, Members will be updated accordingly at the Planning Committee. It is my view, however, notwithstanding the conclusions of this response that the development is acceptable subject to the completion of a Section 106 Obligation and imposition of conditions as outlined in paragraph 2.01 of this report.

#### 8.03 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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

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

#### **LIST OF BACKGROUND DOCUMENTS**

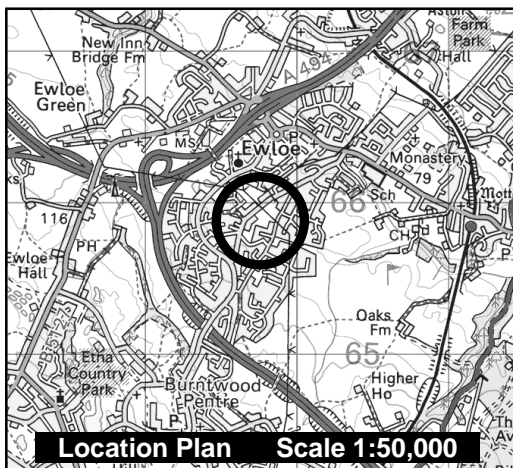
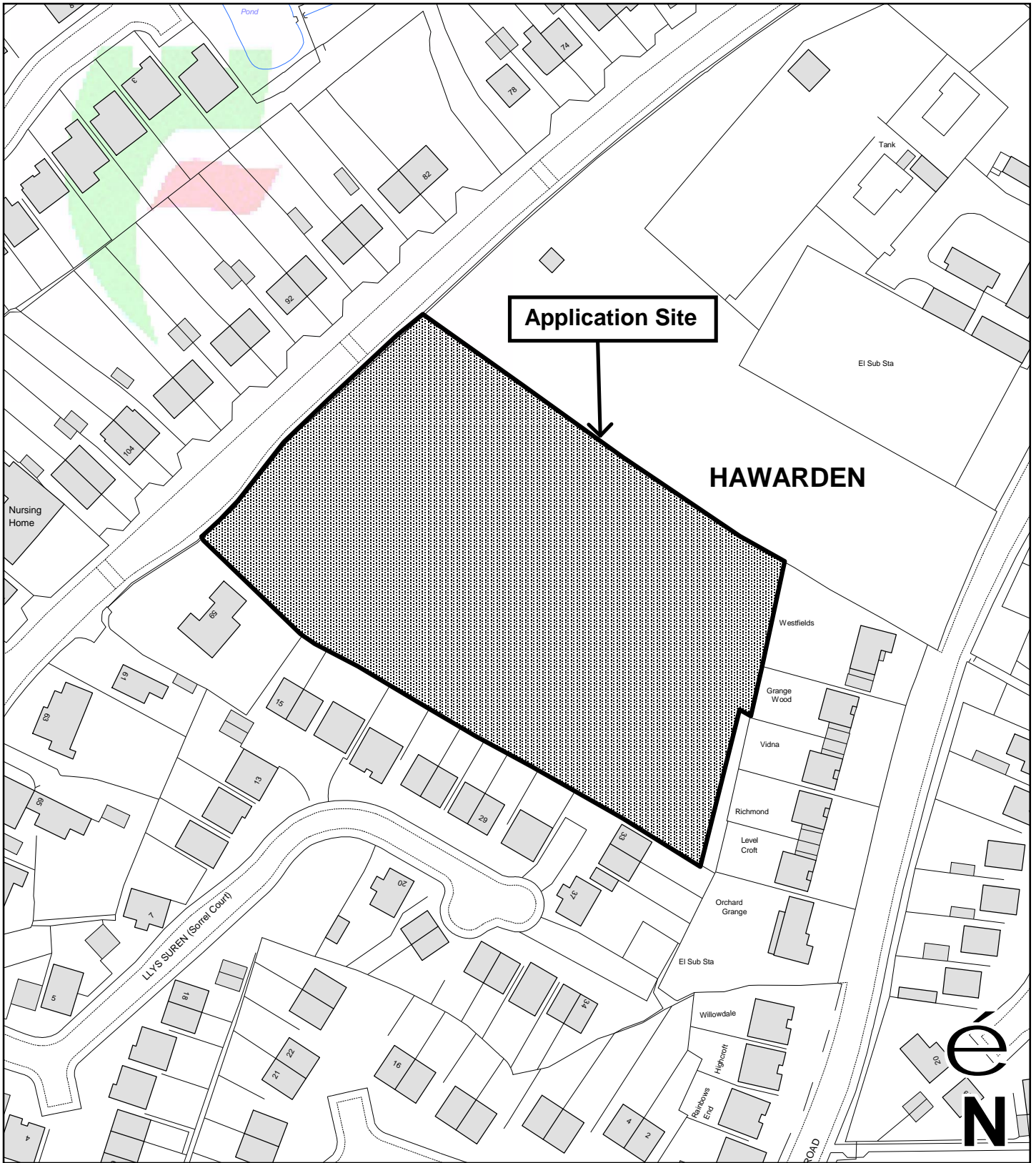
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** Robert.M.Harris@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

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OS Map ref SJ 2965

Planning Application **57374**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **10<sup>TH</sup> JANUARY 2018**

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

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION AT 68 MOLD ROAD, BUCKLEY.**

**APPLICATION NUMBER:** **057589**

**APPLICANT:** **MRS J DUTTON**

**SITE:** **68 MOLD ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **5<sup>th</sup> OCTOBER 2017**

**LOCAL MEMBERS:** **COUNCILLOR C ELLIS**

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

**REASON FOR COMMITTEE:** **IMPACT ON NEARBY PROPERTIES DUE TO SIZE OF PROPERTY ON MAIN ROAD AND PROBLEMS WHICH RELATE TO PARKING AT NEIGHBOURING PROPERTIES WHICH MAY INTENSIFY THE PROBLEMS EXPERIENCED CURRENTLY**

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

### **1.00 SUMMARY**

- 1.01 This full application seeks permission for the change of use of a dwelling house to a four bedroomed house of multiple occupation within the settlement boundary for Buckley. It is considered that the proposal is acceptable in policy terms, and will not detrimentally affect the amenity of neighbours or of the locality.

**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. Secure bike storage scheme to be submitted and thereafter implemented
  4. Rooms let on the basis of single occupancy only
  5. Scheme for the disposal of foul, surface and land water to be agreed
  6. Scheme for bin and recycling storage to be agreed.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor C Ellis

Concerned of the impact of the development on nearby properties due to its size on the main road and problems which relate to parking at neighbourhood properties.

Buckley Town Council

Lack of HMO policy has potential for increased growth of HMOs which could change the nature of the areas of the town.

Potential for 9 residents and impact of parking of vehicles for this number of residents.

Health and Safety concerns due to potential use of microwaves and minicookers in rooms.

No common area for residents

Queries size of small bedroom as adequate accommodation

Head of Assets and Transportation

No objection.

Requests imposition of condition regarding secure bicycle storage

Head of Public Protection

No adverse comments

Welsh Water/Dwr Cymru

Request imposition of condition relating to surface water disposal

Natural Resources Wales

No objection to the scheme

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

One letter of objection

- Health and safety and fire safety risks if double occupancy allowed

## **5.00 SITE HISTORY**

5.01 No relevant site history

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
STR1- New Development  
GEN1- General Requirements for New Development

## **7.00 PLANNING APPRAISAL**

7.01 Proposal

The proposal seeks to convert an existing three bedroom residential property at 68 Mold Road, Buckley, to a 4 bedroom House of Multiple Occupation. There are no external changes proposed to the property. The internal changes include utilising an existing lounge/dining room as the two downstairs bedrooms. The existing 'box room' will not be utilised as a bedroom.

7.02 Site

The site is within the settlement boundary for Buckley as shown in Flintshire's Unitary Development Plan.

7.03 Principle of Development

The proposal is within the settlement boundary for Buckley and is for the residential use of an existing dwelling. The principle of the proposal is therefore acceptable as it makes the most efficient and effective use of existing housing stock and the conversion of existing buildings within the settlement in accordance with Policy STR4 and GEN2.

7.04 Main Issues

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

7.05 Impacts on character and appearance with particular regard to living conditions of neighbouring occupiers

The lawful use of the property is a residential use. The dwelling is a semi-detached dwelling typical of the area. As no external changes are proposed there would be no material change to the appearance of the building which would harm the character of the area.

As there are no external changes the use of the current downstairs

rooms as bedrooms would introduce no further overlooking than already occurs from habitable room windows. The proposal would also retain amenity space to the rear.

The proposed use is a residential use which operates at a level of intensity only slightly increased to that which might reasonably be expected if it remained as a C3 dwelling-house.

The proposal would not adversely affect the character or the area as it would physically harmonise with the site and surroundings as there would be no material change in its current appearance as a dwelling. It is therefore compliant with FUDP Policy GEN1. Furthermore, as there are no new windows proposed the overlooking of any neighbouring properties is unaltered as the existing living room, which is considered as a habitable room in SPG2, would be converted to a bedroom, which is also considered a habitable room. No greater increase in interface distances is created and no reduction in rear amenity space and so there is no impact on the character of the area with regard to the living conditions of neighbours.

#### Living conditions of future occupiers

7.06

The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there are currently no planning guidance on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers. The initial scheme proposed a 5 bedroom HMO with the smallest room being 5.31M2 in floor area, which is unacceptably small where there is no shared amenity space. Therefore the plans have been amended to show that the proposed smallest bedroom will be used for storage.

With regards to the four proposed bedrooms as the applicant has not advanced a limitation on their level of occupation, which has been the case in other submissions in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. The rooms are a reasonable size to accommodate a single occupant.

#### Parking and impact on the highway

7.07

There is no highways parking standard for this type of development in the Local Planning Guidance Note which addresses parking. Highways have not objected to the proposal. Existing parking provision is provided by a single space to the rear of the property, accessed through the garage site. The site owner also owns land to the rear of the garage. It is not uncommon in this part of Mold Road for residential and commercial properties to have no parking provision. The site is located close to Buckley town centre, with good transport links in close proximity, including Bus stops immediately outside the property. Buckley Railway station is easily accessible

from the town.

I do not consider that the proposal would unacceptably add to any parking need given the occupancy for the HMO would be restricted to 4 people which would be similar to the level of car ownership if the property remained a C3 dwelling. In order to promote a sustainable means of transport and reduce reliance on travel by car, a condition will ensure a cycle store is provided. It is envisaged this could be sited in the spacious rear garden.

On the basis of recent Appeal decisions on other HMOs in the County, I do not consider that the parking available at this site is sufficient reason for refusal. There is no reason to assume that the use of the dwelling as a HMO would exacerbate existing parking issues in the locality any more than the lawful use of the site as a dwelling house.

## **8.00 CONCLUSION**

8.01 It is considered that the proposal, for the above reasons and subject to conditions is acceptable in planning terms.

## 8.02 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.

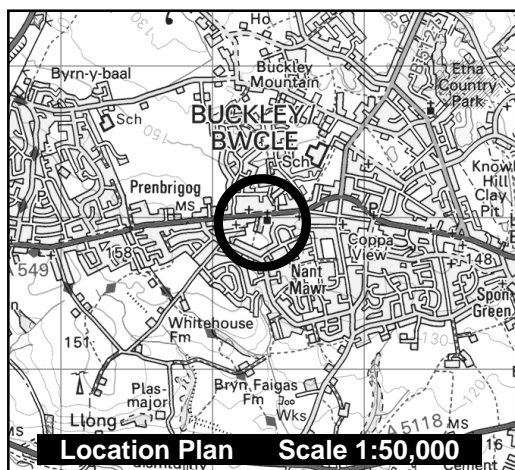
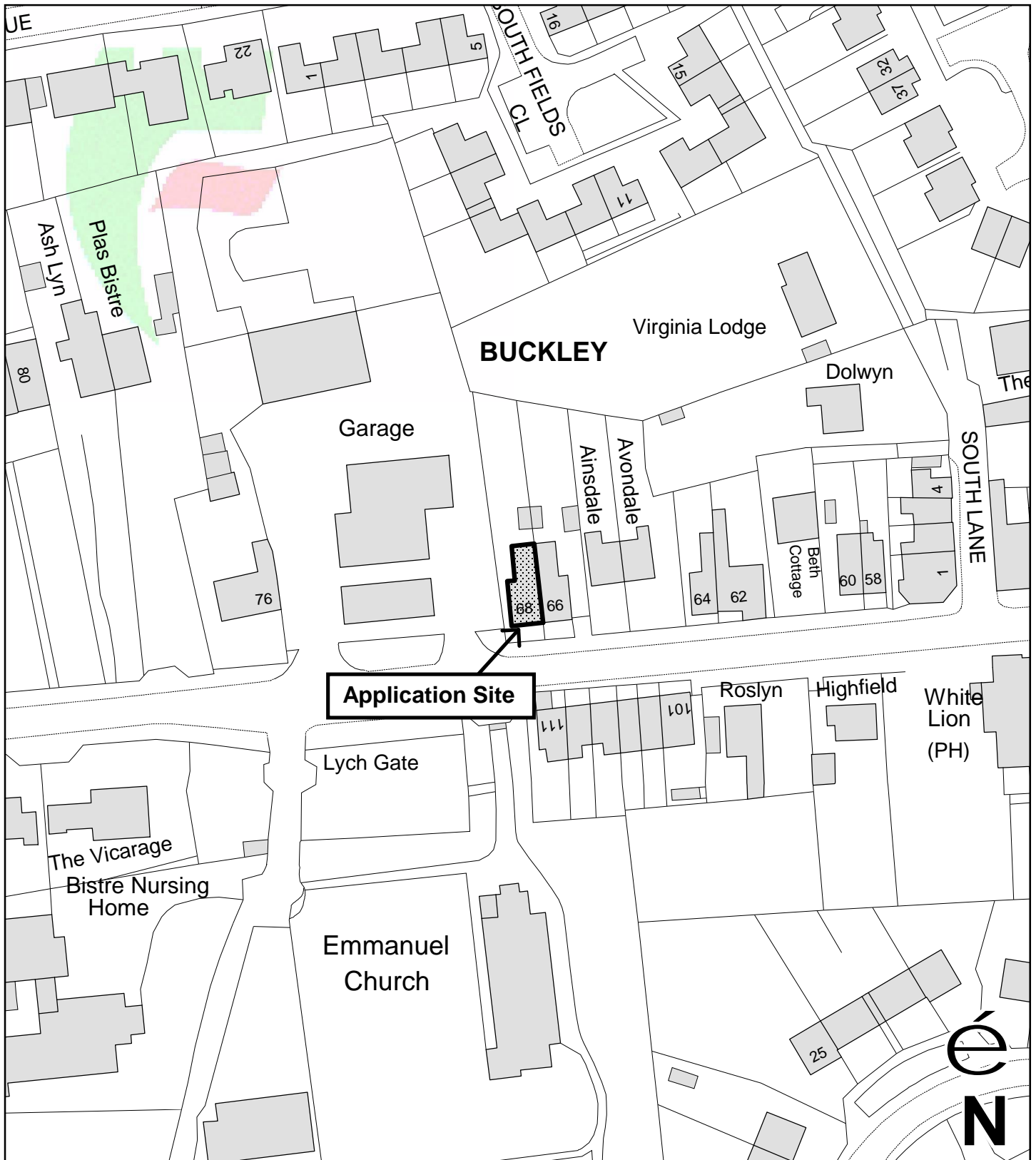
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## **LIST OF BACKGROUND DOCUMENTS**

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

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **57589**

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