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



To: Cllr David Wisinger (Chairman)

CS/NG

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

21 March 2018

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, 28TH MARCH, 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, and the footage will be on the website for 6 months.

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 - 10)

To confirm as a correct record the minutes of the meeting held on 7th March 2018.

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 28 MARCH 2018

| Item No | File Reference | DESCRIPTION |
|--|----------------|---|
| <u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u> | | |
| 6.1 | 057786 - A | Full Application - Change of use of land for the stationing of caravans for residential purposes for 15 No. Gypsy pitches together with the formation of hard standing and dayrooms as an extension to the existing Huntley Yard Travellers Site and erection of a dormer bungalow – Managers residence replacing two pitches on the existing site at Huntleys Yard, Chester Road, Flint. (Pages 11 - 22) |
| 6.2 | 057027 - A | Full Application - Proposed Construction of 10 No. Dwellings (Four Already Constructed and Planning Permission Ref: 049273) Including all Landscaping Details Etc at Royal British Legion (Former), Gadlys Lane, Bagillt. (Pages 23 - 36) |
| 6.3 | 057900 - A | Full Application - Erection of Two Storey Extension to Rear of Dwelling at 8 Tai Maes, Mold (Pages 37 - 44) |
| 6.4 | 057158 - A | Full Application - Change of Use to House in Multiple Occupation (Partly Retrospective) at 3 The Poplars, Hawarden. (Pages 45 - 52) |
| 6.5 | 057260 - A | Full Application - Change of Use from Dwelling to HMO (Retrospective) at 5 The Poplars, Hawarden. (Pages 53 - 60) |

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PLANNING COMMITTEE **7TH MARCH 2018**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 7th March 2018

PRESENT: Councillor David Wisinger (Chair)

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

APOLOGIES: Councillors: Chris Bithell, Ian Dunbar and Billy Mullin.

IN ATTENDANCE:

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

63. DECLARATIONS OF INTEREST

On agenda item number 6.1 (application number 057689), Councillor Mike Peers declared a personal and prejudicial interest as he was Chair of Governors at Elfed High School. He explained that following dispensation granted at Standards Committee, he had been granted a dispensation to speak for five minutes. He would then leave the room prior to the debate and vote. On the same item, Councillors Ellis and Phillips declared personal and prejudicial interests as they were Governors at Elfed High School. Councillor Ellis advised that she would speak for three minutes and leave the room prior to the debate and vote. Councillor Phillips said he would not speak on the item but would also leave the room prior to the debate and vote.

On agenda item number 6.2 (application number 057808), Councillor Christine Jones declared a personal and prejudicial interest as the application site was at the rear of her property. She explained that she would speak for three minutes and leave the room prior to the debate and vote.

On agenda item number 6.3 (application number 057898) Councillors Butler and Thomas declared personal interests as they were in receipt of a pension. Councillors Ellis and Peers also declared personal interests in this item as they had family members who worked for Airbus.

On agenda item numbers 6.4 (application number 057514) and 6.5 (application number 057295) Councillor Peers declared personal and prejudicial interests as he was a member of the Hawkesbury Community Centre Management Committee which was adjacent to the application site. He explained that following dispensation granted at Standards Committee, he had been granted a dispensation to speak for five minutes on both applications. He would then leave the room prior to the debate and vote on each application. Councillor Ellis also declared personal and prejudicial interests in the same

items, as she was also a member of the Hawkesbury Community Centre Management Committee, and was permitted to speak for three minutes. She would also leave the room prior to the debate and vote

64. LATE OBSERVATIONS

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

<http://committeemeetings.flintshire.gov.uk/documents/s47879/Late%20Observations.pdf?LLL=0>

65. MINUTES

The draft minutes of the meeting on 7th February 2018 were submitted. Councillor Dave Hughes had submitted his apologies for the meeting but they were not recorded.

RESOLVED:

That subject to the above amendment the minutes be approved as a true and correct record and signed by the Chairman.

66. 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.

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

RESOLVED:

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

68. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 15 members of the public and no members of the press in attendance.

(The meeting started at 1.00pm and ended at 3.33pm)

.....
Chairman

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PLANNING COMMITTEE ON 7TH MARCH 2018

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY SPEAKERS / ACTION | RESOLUTION |
|---------|-------------------------------|--|--|---|
| 057689 | Buckley Town Council | Full Application – Erection of 4 No. detached dwellings at Dovedale, Alltami Road, Buckley | <p>Mr. F. Hynes, local resident, spoke against the application.</p> <p>Mr. S. Goodwind, the Agent, spoke for the application.</p> <p>Having declared personal and prejudicial interests, Councillor Ellis had the right to speak for three minutes and Councillor Peers had been granted dispensation to speak for five minutes. They both left the room after they spoke and prior to the discussion and vote. Councillor Phillips did not speak and also left the room prior to the discussion and vote.</p> | <p>That planning permission be granted subject to the prior completion of a S106 agreement or unilateral undertaking or earlier payment covering:</p> <ul style="list-style-type: none"> • Open space provision - £1,100 per dwelling to improve the community playing field surface located adjacent to Cheshire Lane, Elfed High School, Buckley; • Education provision - £12,257 primary school towards Mountain Lane Primary School; and • Mitigation land - £1,000 per dwelling to overcome indirect impacts of SAC for the long term management of the mitigation land <p>In accordance with the officer recommendation and the conditions as listed in the officer's report.</p> <p>Also the additional condition as recommended at Committee for a construction traffic management plan.</p> |

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY SPEAKERS / ACTION | RESOLUTION |
|---------|--|--|--|---|
| 057808 | Sealand Community Council | Application for approval of reserved matters appearance, layout, scale, landscaping and access for the erection of 6 dwellings following outline approval (052887) at 31 Welsh Road, Garden City | Mr. N. Williams, the applicant, spoke for the application. Having declared a personal and prejudicial interest, Councillor Christine Jones had the right to speak for three minutes. She left the room after speaking and prior to the discussion and vote. | That planning permission be granted subject to the condition listed in the officer's report, and in accordance with the officer recommendation. |
| 057898 | Broughton and Bretton Community Council | Full Application – Erection of Advanced Manufacturing and Research Institute (AMRI) Facility at Airbus, Chester Road, Broughton | | That planning permission be granted subject to the conditions listed in the officer's report, and in accordance with the officer recommendation. Additional condition as outlined in the late observations. Also the additional condition as recommended at Committee for a construction traffic management plan. |
| 057514 | Buckley Town Council | Full Application – Erection of railings along the southern boundary at Hawkesbury Hall, Mill Lane, Buckley | Mr. P. Watkin, a member of Hawkesbury Little Theatre, spoke against the application. Ms. P. Willoughby, the applicant, spoke for the application. Having declared personal and prejudicial interests, Councillor | That planning permission be granted subject to the conditions listed in the officer's report, and in accordance with the officer recommendation. |

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY SPEAKERS / ACTION | RESOLUTION |
|---------|-------------------------------|---|---|--|
| | | | <p>Ellis had the right to speak for three minutes and Councillor Peers had been granted dispensation to speak for five minutes. They both left the room after they spoke and prior to the discussion and vote.</p> | |
| 057295 | Buckley Town Council | Listed Building Application for the installation of railings to south boundary at Hawkesbury Hall, Mill Lane, Buckley | <p>Mr. P. Watkin, a member of Hawkesbury Little Theatre, spoke against the application.</p> <p>Ms. P. Willoughby, the applicant, spoke for the application.</p> <p>Having declared personal and prejudicial interests, Councillor Ellis had the right to speak for three minutes and Councillor Peers had been granted dispensation to speak for five minutes. They both left the room after they spoke and prior to the discussion and vote.</p> | That planning permission be granted subject to the conditions listed in the officer's report, and in accordance with the officer recommendation. |

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY SPEAKERS / ACTION | RESOLUTION |
|---------------|-------------------------------|---|----------------------------------|------------|
| APPEAL | | NOTED | | |
| 55871 | | <p>Appeal by Mr. P. Edwards against the decision of Flintshire County Council to refuse planning permission for the improvements and extension to farm track, layout of hardstanding for the parking and manoeuvring of vehicles, improvement of toilet, washing and bathing facilities, provision of hook ups for potential visitors (including a grey water disposal point) and landscaping (in retrospect) at Ynys Hir Farm, Picton Road, Picton, Holywell</p> <p>ALLOWED</p> | | |

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28th MARCH 2018**

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

SUBJECT: **CHANGE OF USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 15NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF HARD STANDING AND DAYROOMS AS AN EXTENSION TO THE EXISTING HUNTLEY YARD TRAVELLERS SITE AT HUNTLEYS YARD, CHESTER ROAD, FLINT**

APPLICATION NUMBER: **057786**

APPLICANT: **MR SIMON DOHERTY**

SITE: **LAND ADJACENT TO HUNTLEYS YARD TRAVELLERS SITE, CHESTER ROAD, FLINT**

APPLICATION VALID DATE: **11.01.18**

LOCAL MEMBERS: **COUNCILLOR R JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST OVERDEVELOPMENT OF THE SITE AND HIGHWAYS CONCERNS**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Planning permission is sought for the change of use of the land for the stationing of caravans for residential purposes for 15 no. gypsy traveller pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use at land adjacent to Huntleys Yard, Chester Road, Flint. The site is to the east of the existing 6 pitch gypsy travellers site at Huntleys Yard.

It is considered that there is a need for this development in terms of

1.02 gypsy and traveller site provision. The site is a brownfield site in the open countryside but adjacent to a category A main settlement as defined in the UDP. It is therefore considered that this is a suitable location for a gypsy traveller site and would not give rise to any adverse impacts.

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

- 2.01
1. Five years
 2. Plans
 3. Details of foul drainage
 4. No surface water or land drainage shall be allowed to connect directly or indirectly with the sewerage network.
 5. Parking and turning
 6. Details of surface water drainage
 7. Siting of caravans to be in accordance with approved site plan. Two caravans on each plot; one static and one tourer
 8. Maximum size of static caravans 3 metres x 10 metres unless otherwise agreed in writing
 9. Site only to be occupied by Gypsies and Travellers as defined by WAGC 30/2007 paragraph 3
 10. Landscaping details including details of internal fencing to be submitted and approved and hedge planting.
 11. Amenity buildings materials
 12. Contaminated land assessment
 13. Lighting scheme.

3.00 CONSULTATIONS

3.01 Local Member
Councillor R Johnson

Requests committee determination and a site visit. Considers that this is overdevelopment of the site and has highway concerns.

Flint Town Council

Object to the development as it is;

- A departure from the development plan
- Represents a massive increase in the size of the site
- Volume of traffic would be unsustainable and would compromise highway safety
- impact on amenity
- impact on infrastructure

Highways Development Control Manager

No objection to the proposal subject to the imposition of a condition referring to the provision of parking and turning facilities.

Public Protection Manager

No objection in principle subject to a condition requiring a contaminated land assessment prior to the commencement of development due to the sites previous uses.

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development. Most of the plot was formerly occupied by a large clay extraction pit which has been backfilled. The former kiln marked on the first edition OS mapping has been demolished and its former location would not be affected by the intended layout.

Welsh Water/Dwr Cymru

With regards to foul water we can confirm that the public sewerage network will have the required capacity however due to the size of the asset it may be necessary for any new connection to be undertaken by Welsh Water at the developers cost.

The intention for surface water is sustainable drainage. Due to the proximity of the site to a watercourse we would not consider communication of surface water to the public sewer.

Request a condition stating no surface water or land drainage shall be allowed to connect directly or indirectly with the sewerage network.

Natural Resources Wales

No objection. The proposal is not likely to affect any protected sites. It should be ensured that only clean uncontaminated water drains to surface water to prevent a potential adverse effect on the protected sites.

Gypsy Traveller Liaison Officer

Supports the application to provide 15 additional pitches as in my view it will assist the local authority in carrying out its statutory duty to provide accommodation for gypsy and travellers under Part III of the Housing Wales Act 2014. The application will assist in meeting the need identified in the Gypsy Traveller Accommodation Needs Assessment the authority took under the provisions of this Act. It is expected that the site will have to obtain a licence as per the Mobile Homes Act Wales 2013 if planning permission is granted.

Network Rail

No objection in principle subject to;

- trespass fencing along railway boundary 1.8m high
- surface water should be directed away from Network Rails' infrastructure
- No buildings within 2 metres of the boundary fence with

Network rails infrastructure

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

No representations received.

5.00 SITE HISTORY

5.01 054602 Application for variation of condition no. 10 attached to planning permission ref 051726 to allow use of septic tank. Approved 20.05.16

052123 Application for approval of details reserved by condition nos.3(parking and turning), 4(floor and ground levels), 5(landscaping and fencing), 9(surface water)and 10(foul sewage) attached to planning permission ref: 051726 Approved 03.07.14

051726 Use of land for stationing of caravans for the residential purposes for 6No. gypsy pitches together with the formation of hard standing and utility/dayrooms ancillary to that use Approved 23.04.14

045584 Erection of a 17.5m high monopole with 3 no. antenna mounted to the pole and ground based equipment cabinet Approved 02.12.08

042704 Prior Approval Application - 15m timber monopole supporting 3 no. antennae, 3 no. equipment cabinets and 1.8m high chain link fence Prior approval not required.

6.00 PLANNING POLICIES

6.01 National Policy - Planning Policy Wales

Local Authorities are required to assess the accommodation needs of Gypsy families In accordance with the Housing Act 2004. Sections 225 and 226 of the Housing Act 2004 came into force on 13th December 2007. This requirement is reiterated in Planning Policy Wales Edition 9 November 2016 paragraph 9.2.21.

Welsh Assembly Government 'Accommodation needs of Gypsy-Travellers in Wales' (2006)

This independent study was commissioned by the Assembly Government in December 2004 to establish current and future requirements for the accommodation needs of Gypsies and Travellers in Wales. It provided information on the number, location and condition of Gypsy and Traveller sites in Wales and also provided an indication of the need for new site provision. The study contained

a number of conclusions and 28 recommendations for the Welsh Assembly Government and Local Authorities to take forward in terms of policy formulation; the existing site network; the need for additional residential site provision; the need for transit site provision; site management; and social housing.

Welsh Assembly Government Circular: WAGC 30/2007. Planning for Gypsy and Traveller Caravan Sites in Wales.

This circular replaced Welsh Office Circular 2/94 "Gypsy Sites and Planning". It provides updated guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers. Local housing market assessments provide the key source of information enabling local authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required when preparing Local Development Plans. Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDP's to ensure that the identified pitch requirement for residential and transit use can be met.

It also states that in order to encourage private site provision, local planning authorities should offer advice and practical help with procedures to Gypsies and Travellers who wish to acquire their own land for development.

The Circular states that in deciding where to provide gypsy and traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services. Sites on the outskirts of built-up areas may be appropriate along with sites in rural or semi-rural settings. Rural settings, where not subject to specific planning or other constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could effectively block proposals for any Gypsy and Traveller site in a rural location. Sites should respect the scale of and not be so large as to dominate the nearest settled community serving them and should avoid placing an undue burden on the local infrastructure. Sites, whether public or private should be identified having regard to highways considerations with regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.

With regard to the Human Rights Act, the Circular states that the provision of the European Convention on Human Rights should be considered as an integral part of local authorities' decision making, including its approach to the question of what are material

considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of individuals concerned, both Gypsies and Travellers and local residents, and whether it is necessary and proportionate in the circumstances.

Flintshire Unitary Development Plan

STR1 - New Development

GEN1 - General Requirements for Development

GEN3 - Development in the Open Countryside

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

D4 - Outdoor lighting

L1 - Landscape character

AC13 - Access and Traffic Impact

HSG14 - Gypsy Sites

The proposed site is in accordance with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

Planning permission is sought for the change of use of the land for the stationing of caravans for residential purposes for 15 no. gypsy pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use at Huntleys Yard, Chester Road, Flint.

7.02 Site description

The 0.37 hectares site lies in the open countryside adjacent to the settlement boundary for Flint. The site is an existing coach yard and is used for the parking and maintenance of coaches. There are 2 buildings on the site associated with this use.

7.03 The site is divided from the main building envelope of Flint by the Holyhead-Chester railway line which lies to the south. The site occupies an elevated position from the adjacent agricultural land to the north. To the east of the site is an existing gypsy site of 6 plots. Access to the site is provided by a single bridged access road that crosses the railway line and that also provides access to the adjacent gypsy site and sewage works.

7.04 Proposed development

Planning permission is sought for the change of use of a 0.37 hectare site for 15 residential gypsy pitches together with the formation of hardstanding and utility/dayrooms. The proposed site would be laid out in 15 pitches subdivided by internal post and rail fencing. It is proposed to provide an acoustic fence along the southern boundary of the site with the railway line. Landscaping is proposed around the

remaining boundaries.

- 7.05 Each pitch would have a static caravan and touring caravan as well as a single storey amenity building, providing cooking and washing facilities. The amenity building serve 2 plots and are semi-detached measuring 6.5m x 6.5m with a pitched roof measuring 4.5m to the ridge. The buildings are proposed to have a clay tile roof, rendered walls and painted timber windows and doors. Each building has 2 solar hot water panels on the southern roof plane.
- 7.06 Need
The Council commissioned ARC4 to undertake a Gypsy Traveller Accommodation needs assessment which was produced in April 2016. We are having this needs assessment updated as part of the LDP evidence base. The current assessment undertaken in April 2016 states that the five-year unmet need 2016-2021 of -4 pitches and over a 15 year period 2016- 2031 there is a need for 19 additional pitches. Analysis would suggest there is sufficient pitch capacity over the next 5 years assuming that planned residential supply is delivered over this period. The overall shortfall over the Plan Period is for 19 pitches.
- 7.07 This does not take into account the need to provide pitches for the Dollar park site residents, which is 7 pitches. In the supply of sites it also includes a private site in Sandycroft which comprises 22 pitches and is currently closed for refurbishment, although at the time of the GGTA 5 pitches were still occupied. There is therefore a need for additional pitches to compensate for the sites that are no longer available or do not have a permanent consent. It is therefore considered that there is a need for this development in both the short and long term. Even if the Sandycroft site is re-opened the council has no control over the size of this site and it is likely that it will be for a reduced number of pitches. This then would assist in meeting the future pitch needed during the longer term period.
- 7.08 Principle of development
The land is a formerly developed site outside of but adjacent to the Flint settlement boundary as defined in the Flintshire Unitary Development Plan. While the site is in policy terms in the open countryside it is a brownfield site adjacent to a Category A settlement. It is separated from the settlement by the railway line. The location of the site is therefore highly sustainable and is accessible to all the facilities in Flint and to public transport links.
- 7.09 The proposed site along with the existing site would create 21 pitches in total. As this site is in effect an urban site adjacent to a main town it is not considered that the scale and size of the site is disproportionate to the community it is within. The infrastructure in Flint is capable of supporting 15 additional families as it is a focus for general housing growth. The site is separated from the built up

residential area by the railway line and therefore would not have any adverse impacts on residential amenity from the site activity.

7.10 A 1.8 metre high wooden acoustic fence is proposed along the southern boundary in order to protect site residents from the noise of the railway line and also to act as a trespass fence in order to meet Network Rails requirements. No issues were raised by public protection in this regard.

7.11 Ecology

The proposal is located in the vicinity of the following protected sites;

- River Dee and Bala Lake Special Area of Conservation (SAC)
- River Dee Estuary Special Protection Area (SPA)
- River Dee Estuary Site of Special Scientific Interest (SSSI)
- River Dee Estuary RAMSAR Site

The main potential impacts of the development is on overwintering birds on the above sites. The application site is currently an active bus yard. The site does not have any habitats that would be used by overwintering birds. Boundary treatments can ensure that the site is contained to ensure that there is no encroachment into areas closer to the protected sites. This can be dealt with by condition.

7.12 It should be ensured that only clean uncontaminated water drains to surface water to prevent a potential adverse effect on the protected sites.

7.13 Drainage

In the development of the initial site it was found that the mains sewer is not in close proximity to the site. Any connection to the sewer would be at the developers cost via a sewer acquisition which may be costly and not cost effective in terms of the scale of the site. Foul drainage of the existing site is served by an existing private treatment plant which is a cesspool type facility with no effluent. It is proposed to connect the new site to this facility. Details of this can be dealt with by condition.

7.14 Highways

The proposed access is from the A548 over the railway line and is the current access for the coach yard and existing gypsy site. It also is the access to the sewage works further to the east. There are no highway issues with the use of the access which has an historic use by large vehicles and regular vehicles movements associated with the coach yard.

The layout shows 2 parking spaces for each pitch and 3 visitor spaces. This is considered acceptable subject to a condition requiring these facilities to be put in place.

7.15 Flood risk

The site is not in an area of flood risk and therefore no further information is required.

7.16 Site Layout

The proposed site shows 15 plots with a static caravan and a touring caravan on each, a semidetached amenity building for cooking and washing facilities and 2 parking spaces. Previously gypsy and traveller sites have not been required to be licenced unlike holiday or park home sites. It is good practice for residential gypsy sites to meet the same standards as other caravan sites set out in the Mobil Homes (Wales) Act 2013. The layout has been assessed by the Health and Safety Section and amended to meet these requirements. The standards are in order to meet fire regulations and to minimise the impact of sites. The submitted layout shows static caravans of less than the maximum permitted under the definition of a of 'mobile home' set out in Section 60 of the Mobile Homes (Wales) Act 2013 which is 6.8 metres by 20 metres. In order to meet the standards the size of the caravans needs to be condition to not exceed the site shown on the plan of 3.5 metres x 10 metres.

7.17 Other matters

The site is proposed as a commercial site with pitches rented out on a long term basis. No details of site occupants are therefore put forward and therefore no personal circumstances or the best interests of the child can be considered.

8.00 CONCLUSION

8.01 It is considered that there is a need for this development in terms of gypsy and traveller site provision. The site is a brownfield site in the open countryside but adjacent to a category A main settlement as defined in the UDP. It is therefore considered that this is a suitable location for a gypsy traveller site and would not give rise to any adverse impacts.

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

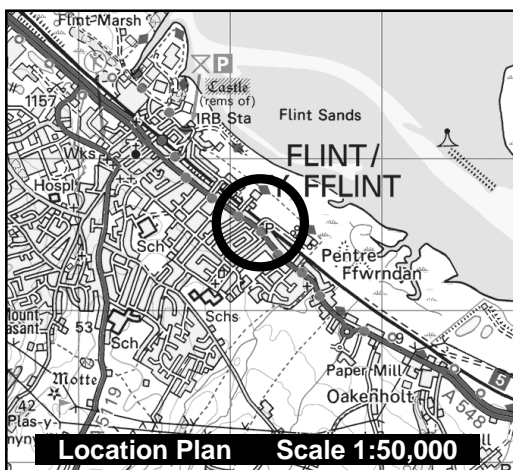
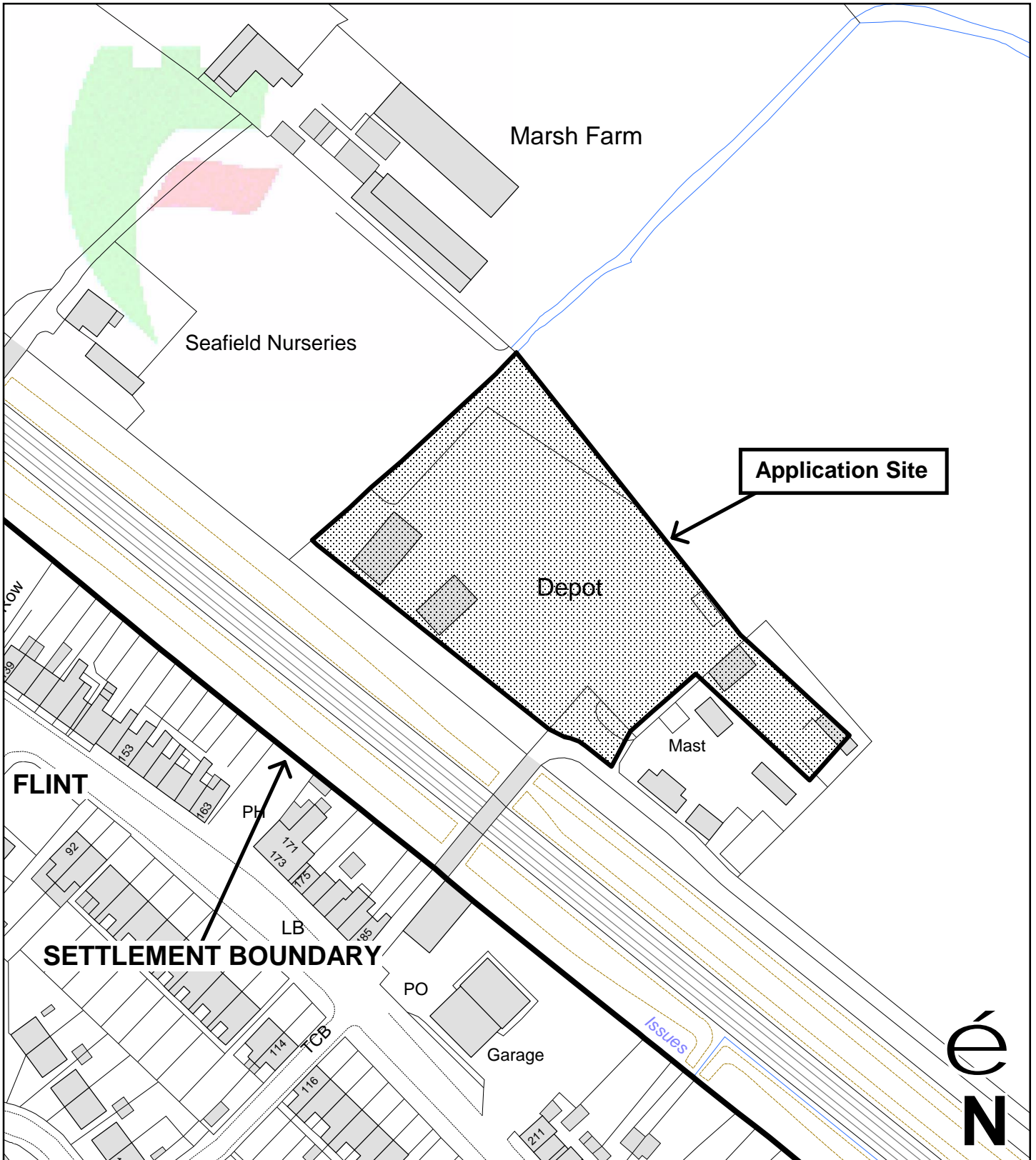
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer: Emma Hancock
Telephone: 01352 703254
Email: emma.hancock@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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Map Scale 1:1250

OS Map ref SJ 2572

Planning Application **57786**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH MARCH 2018**

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

SUBJECT: **FULL APPLICATION – PROPOSED CONSTRUCTION OF 10 NO. DWELLINGS (FOUR ALREADY CONSTRUCTED UNDER PERMISSION REF: 049273) INCLUDING ALL LANDSCAPING DETAILS ETC AT ROYAL BRITISH LEGION (FORMER), GADLYS LANE, BAGILLT.**

APPLICATION NUMBER: **057027**

APPLICANT: **CHESTER BUILDNG SERVICES LTD.**

SITE: **ROYAL BRITISH LEGION (FORMER), GADLYS LANE, BAGILLT.**

APPLICATION VALID DATE: **25TH MAY 2017**

LOCAL MEMBERS: **COUNCILLOR M. REECE**

TOWN/COMMUNITY COUNCIL: **BAGILLT COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON THE PRIVACY/AMENITY OF OCCUPIERS OF ADJACENT PROPERTIES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application which is partly retrospective and which proposes the erection of 10 No. dwellings with ancillary works for which the principle of development was previously obtained under 049273 in 2012, on land at the Former British Legion, Gadlys Lane, Bagillt.

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

2.01 That 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 play provision, the monies being used to enhance the bowling green located at Highfield Road, Bagillt, that planning permission be granted subject to the following conditions:-

Conditions

1. In accordance with approved plans.
2. Materials to be submitted and approved.
3. No boundary treatment within 2.5 m of highway to exceed 0.9 m in height.
4. 1.8 m wide footway to be provided along site frontage.
5. Means to prevent the run-off of surface water onto highway.
6. Scheme for integrated drainage of site to be submitted and approved. Development to be carried out in accordance with approved details.
7. Foul and surface water to be drained separately.
8. No surface water to connect into public sewerage system.
9. No land drainage to discharge into public sewerage system.
10. Removal of permitted development rights.
11. Boundary treatment to be installed as approved prior to occupation of any dwellings and retained thereafter in perpetuity.
12. Specimen trees on northern site boundary with existing properties at Beechcroft Close to be retained at a minimum height of 5 m.
13. Obscure glazing to be installed as approved prior to occupation of any of any dwelling to which it relates and retained thereafter in perpetuity.
14. Land contamination report to be submitted and approved with appropriate mitigation where required.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. Reece

Request site visit and planning committee determination in order that the impact of development on the privacy/amenity of occupiers of existing dwellings can be fully assessed.

Bagillt Community Council

Unanimously object on the grounds that the houses have been built too close to the existing properties.

Head of Assets and Transportation

Recommend that any permission includes conditions in respect of the highway boundary treatment and provision of 1.8 m wide footpath on site frontage.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling the monies being used to enhance the bowling green located at Highfield Road, Bagillt.

Head of Public Protection

Request that any permission includes a condition requiring the undertaking of a land contamination survey and appropriate mitigation where required.

Welsh Water/Dwr Cymru

Confirm that the proposed foul and surface water drainage arrangement is acceptable subject to controls over the discharge rate and manhole connection point.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

6 letters of objection received, the main points of which can be summarised as follows:-

- Proposed scale/height of 3 storey dwellings are out of character with the form of existing development in proximity to the site.
- The dwellings that have been built are not in accord with Local Planning Guidance Note 2 – Space About Dwellings, are unauthorised and should be demolished.
- There would be a detrimental impact on privacy/amenity by way of overlooking and do not consider that the introduction of partial obscure glazing and boundary screening will address concerns and can be secured in perpetuity.
- Consider that the comprehensive landscaping on the common site boundary with properties at Beechcroft Close, will have a detrimental impact on privacy/amenity by virtue of overpowering.
- There are significant drainage/flooding problems from the site.
- Access is not suitable for the proposed increase in vehicular/pedestrian movements.
- Development of land to the rear of properties at Beechcroft Close would compromise safety in the case of emergency evacuation.

2 letters received from Mr. D. Hanson, MP, on behalf of residents which re-iterate the above concerns.

5.00 SITE HISTORY

5.01 042526

Demolition of existing single storey buildings around two storey dwelling and erection of 6 No. new small dwellings and 1 No. new detached larger dwelling. Granted 20th February 2007.

044016

Demolition of existing buildings and erection of 4 No. houses and associated ancillary works (plots 7 – 10 inclusive). Refused February 2008.

Appeal to The Planning Inspectorate – Dismissed 30th July 2008.

044017

Demolition of existing buildings and erection of 6 No. houses and associated ancillary works (plots 1 – 6 inclusive). Granted February 2008.

044725

Demolition of existing buildings and erection of 4 No. houses and associated ancillary works (plots 7 – 10 inclusive). Permitted 16th September 2009.

049723

Proposed erection of 10 No. dwellings with associated ancillary works (Amendments to scheme previously permitted under Code Nos 044017 & 044725). Permitted 16th October 2012.

055188

Proposed erection of 10 No. dwellings for which planning permission was previously obtained under 049273 (partly retrospective) – Withdrawn 18th January 2017.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

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 EWP17 – Flood Risk.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application which is partly retrospective, proposes the erection of 10 No. dwellings with associated ancillary works on the site of the former Royal British Legion, Gadlys Lane, Bagillt. The site has previously had the benefit of planning permission in February 2007, under 042526 for the demolition of part of the former legion building and erection of 7 No dwellings. In addition subsequent permissions for a total of 10 No. dwellings were permitted by virtue of three separate applications under 044017 and 044725 in 2008/2009 and 049723 in 2012.

7.02 Members may also be aware that there is a recent background of planning history at this location, with a previous application submitted under 055788 for the erection of 10 No. dwellings being included on the Planning & Development Control Committee agenda on 18th January 2017. This previous application (055788) was the subject of a site visit by Members, but withdrawn by the applicants prior to committee, to allow further consideration to be given to addressing the objections raised at the time in terms of overlooking and impact on privacy/amenity. This application has as a result been submitted with further amendments to the details of the proposed development that were previously submitted under 055188.

7.03 Site Description

The site the subject of this application amounts to approximately 0.24 hectares in area and comprises the site of the former Royal British Legion (which has now been demolished) and associated car parking area at Gadlys Lane, Bagillt. The former British Legion Building was in part 2 storey in height, and was 4m from the rear boundary of the site with existing properties at Beechcroft Close, which are set approximately 2m lower than the application site. The subsequent demolition of this building is a considerable betterment for surrounding residents. The site is bounded by existing residential development namely Allt Celyn to the north-west, Beechcroft Close to the northeast, a detached property Riverside Cottage to the south-east and four detached properties Belmont, The Croft, Glenalva and Ty Sian which front onto an existing road Tai Newydd to the south-west.

7.04 Planning Policy

The site is located within the settlement boundary of Bagillt as defined in the Flintshire Unitary Development Plan where the principle of residential development is supported subject to the safeguarding of

relevant amenity considerations. In addition the site has previously had the benefit of planning permission by virtue of application 042526 and subsequently 044017, 044725 and 049273 for the erection of a total of 10no dwellings, which establishes that the principle of residential development at this location is acceptable.

7.05 Proposed Development

Since the previous grant of permission in 2012, the site has been acquired by the current applicant (Chester Building Services Ltd) who have undertaken construction works on four of the dwelling units of previously permitted as part of application 049723 (Plots 7 – 10).

7.06 As building works have been commenced on four units without full compliance with the planning conditions imposed on this earlier permission, the applicant has been requested to submit this current application in order to seek to regularise the situation, as it is not now possible to implement this previous consent.

7.07 The plans submitted as part of this current application propose the erection of 10 No. detached dwellings 2.5 storeys in height each of which measures approximately 6 m x 9 m x 8.5 m (high). The dwellings are to be constructed having rendered external walls with facing brick detailing and concrete tile roofs. Access to serve the dwellings is proposed directly off Tai Newydd with each dwelling served by its own driveway.

7.08 For Members information the changes to the scheme from that previously submitted under 055188 include:-

- a) Plots 1, 3, 4, 5 & 6 – No second floor windows to rear elevation. Roof lights/dormers proposed to gable elevations.
- b) Plots 2 & 5 – Alteration to roof profile with introduction of roof lights in upper slope.
- c) Plot 7 /10 which have already been constructed to have rear window to second floor removed with rooflights/dormers added to gable elevations.
- d) Plots 8 & 9 which have already been constructed to have rear window to second floor removed with glazing introduced into cheek of dormer to avoid overlooking.
- e) Amendment to the internal layout of the dwellings so that the lounges previously proposed at first floor within the rear elevations are now re-located to the frontage of the dwellings with bedrooms to the rear.
- f) Re-siting of plots 1-6 so that the distances from the boundary with existing properties at Beechcroft Close are increased from 18.6 – 19m.
- g) The introduction of a comprehensive landscaping scheme on the site boundary with existing properties at Beechcroft Close with the associated introduction of partial obscure glazing into the windows at first floor level within the rear elevations.

7.09 Main Planning Considerations

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

- a) Principle of development having regard to the relevant local and national planning and enforcement policy and the material consideration of the previous planning permission and previous built form on the site.
- b) the scale / character of development and impact on the privacy / amenity of occupiers of existing dwellings
- c) acceptability of access to serve the proposed development
- d) adequacy of drainage
- e) impact of associated lighting

7.10 Principle of Development

The principle of residential development is well established given the site's location within the settlement boundary of Bagillt as defined in the Flintshire Unitary Development Plan, the original building/dwellinghouse on the site and the previous background of planning history referred to in paragraph 5.00 of this report. The approval of previous residential development is a significant material consideration in the planning balance, when weighing up the main issues in this application.

7.11 Scale of Development & Impact on Privacy/Amenity

The concerns/objections to the development in relation to the impact on privacy/amenity are noted, however it is crucial to note that the site originally accommodated a part single/ part two storey building (Former Legion) which had staff accommodation in the two storey element, and which was located alongside the rear boundary with the properties at Nos 14 -20 Beechcroft Close. This building was located approximately 4m from the common site boundary with a maximum ridge height of 9m and would have had a detrimental impact on the amenity of the occupiers of the existing dwellings. The application 042526 sought to demolish the single storey part of the building in combination with the retention of the 2 storey part of the building for conversion into a dwelling together with the proposed erection of 6 new houses. The 2 storey building which was to be retained as a dwelling unit, provided a separation distance of 14m to the rear of 14/16/18 Beechcroft Close and the new dwellings 19m separation to the rear of 2 – 12 Beechcroft Close. This permission in 2007 established the principle of increased distances to the common boundary in terms of built development which was a significant improvement on the previous arrangement.

7.12 The principle of 2.5 storey dwellings at this location was established by planning permission 044017 and 044725. 5 pairs of dwellings were proposed and approved in total by those permissions which were approximately 9 m high to the ridge line with accommodation within

the roof space served by dormer windows. This is a ridge height similar to the previously existing British Legion building. The separation distances from the rear elevations of the approved 10 dwellings to the properties at Beechcroft Close ranged from between 19 m – 20.5 m.

- 7.13 The subsequent application under 049723 in 2012 for 10 No. detached properties proposed amendments to the previous permissions. At this time the existing permissions, 044017 and 044725 were still live, and formed a significant material consideration. Officers sought to improve the privacy/amenity of existing residents by increasing the separation distances between properties on a number of plots by 1m - 1.5 m, in combination with a reduction in the floor levels of the dwellings by between 0.10 – 1.05 m. The ridge heights of the proposed dwellings were proposed at 9m, again similar to the ridge height of the original British Legion Building.
- 7.14 The development which has commenced on site relates to the dwellings previously permitted under 049723 (plots 7-10) and the separation distances as built between these units and existing development, has been reduced from that approved as part of this permission by 1.6m to 20.4m. There would however be 19m separation between plots 3-6, and existing dwellings.
- 7.15 The concerns of residents at Beechcroft Close are noted, regarding the proposed and existing separation distances. Given the difference in site levels at this location, it is acknowledged that these are less than the 26m expressed in the Local Planning Guidance Note 2 – Space About Dwellings (LPGN2) by approximately 5.6m – 7.m. The distances between properties as specified in this document are for guidance purposes only. The principle of the reduced distances between the existing and proposed development relative to this guidance (LPGN2) were established and agreed in 2007 due to the overall improvement achieved by the demolition of part of the original building on site which was within 4m of the site boundary, and the introduction of a far greater interface distance between Beechcroft Close and development on the site than had ever previously existed.
- 7.16 However, in recognising the concerns of the residents as part of this current application, the developer proposes (a) changes to the fenestration details and internal layout of the dwellings as referred to in paragraph 7.08 of this report. (b) the combined introduction of a comprehensive landscaping scheme on the common site boundary relative to properties at Beechcroft Close.
- 7.17 The landscaping scheme proposes the introduction of (i) terraced gardens to the rear of the dwellings (ii) introduction of a surface water drain between the proposed dwellings and existing properties of Beechcroft Close; (iii) the introduction of a 2 m high close boarded timber fence along the boundary with properties at Beechcroft Close.

(iv) a 2 m high brick wall to the west of plots 1 & 5 (v) the introduction of 5 m high standard specimens within the rear curtilages to help screen the development.

- 7.18 For Members information these details were not shown on previously approved plans or those forming part of application 055188. Further consultation on these proposals has been undertaken and whilst objections remain, given that the distances between properties have been reduced from those previously permitted, this application is accompanied by measures that will provide an improved situation for residents over and above that would have occurred had any of the previous permissions been implemented in full.
- 7.19 In order to assist members in their assessment of the acceptability of the proposed boundary screening, the applicants have advised that a section of the boundary treatment will be completed to the rear of plots 7 – 10 in advance of the committee site visit and Members will be advised of the progress of works at the Planning Committee. I note resident's concerns about long-term security of planning conditions. However the Council has powers to take action if there is a breach of a condition, such as the removal of the obscure glazing.
- 7.20 Having regard to the above my recommendation is for permission to be granted subject to the imposition of conditions to safeguard the retention of the boundary treatment and partial obscure glazing in perpetuity.
- 7.21 Access/Highways
The objections to the development on access/highway grounds are noted. Consultation has however been undertaken with the Highway Development Control Manager, who has raised no objections to the development being served as permitted under previous applications from Tai Newydd, subject to conditions requiring the provision of a footway along the site frontage, controls over the height of boundary enclosure fronting onto the carriageway and incorporation of measures to prevent surface run-off onto the highway.
- 7.22 Adequacy of Drainage
The concerns in relation to the adequacy of drainage, given the flooding problems that have occurred within the rear gardens of a number of properties at Beechcroft Close, particularly during winter months are noted. The applicant has during this period provided temporary measures to seek to minimise the impact given the difference in site levels, but there are concerns that the problems may be repeated if an adequate drainage system is not installed with some urgency.
- 7.23 The applicant has advised that they wish to install a suitable surface water system, to manage run off from the site but whilst the current application remains undetermined that this will not be completed at

this stage. If Members are mindful to grant permission however, the drainage can be secured through the imposition of a planning condition and subsequently undertaken.

7.24 Lighting

The concerns relating to lighting are noted, but would be domestic in nature associated with a residential development and therefore acceptable in principle. No objections on this aspect of the development have been received from the Head of Pollution Control.

8.00 CONCLUSION

8.01 In conclusion, in light of the site history and previous planning permissions the proposed development is acceptable in relation to the character of the site and its surroundings. Significant amendments have been made to the proposed scheme from that previously submitted under 055188 which was withdrawn from the January 2017 Planning & Development Control Committee in response to issues raised by local residents. This includes changes to window details/internal layouts in combination with a reduction in site levels and improved boundary treatment relative to existing properties at Beechcroft Close which would offer an improvement to the previously approved development at this location since 2007. Such measures can be secured by the imposition of conditions.

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.

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

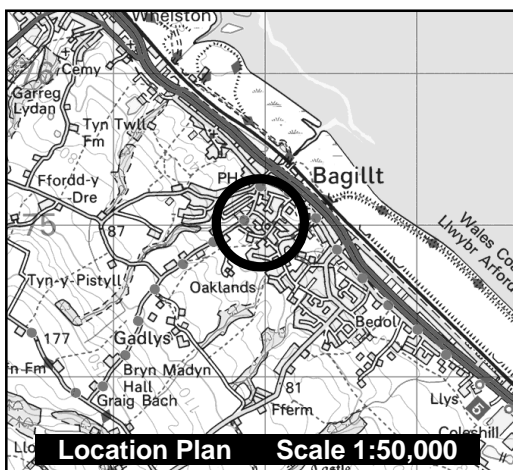
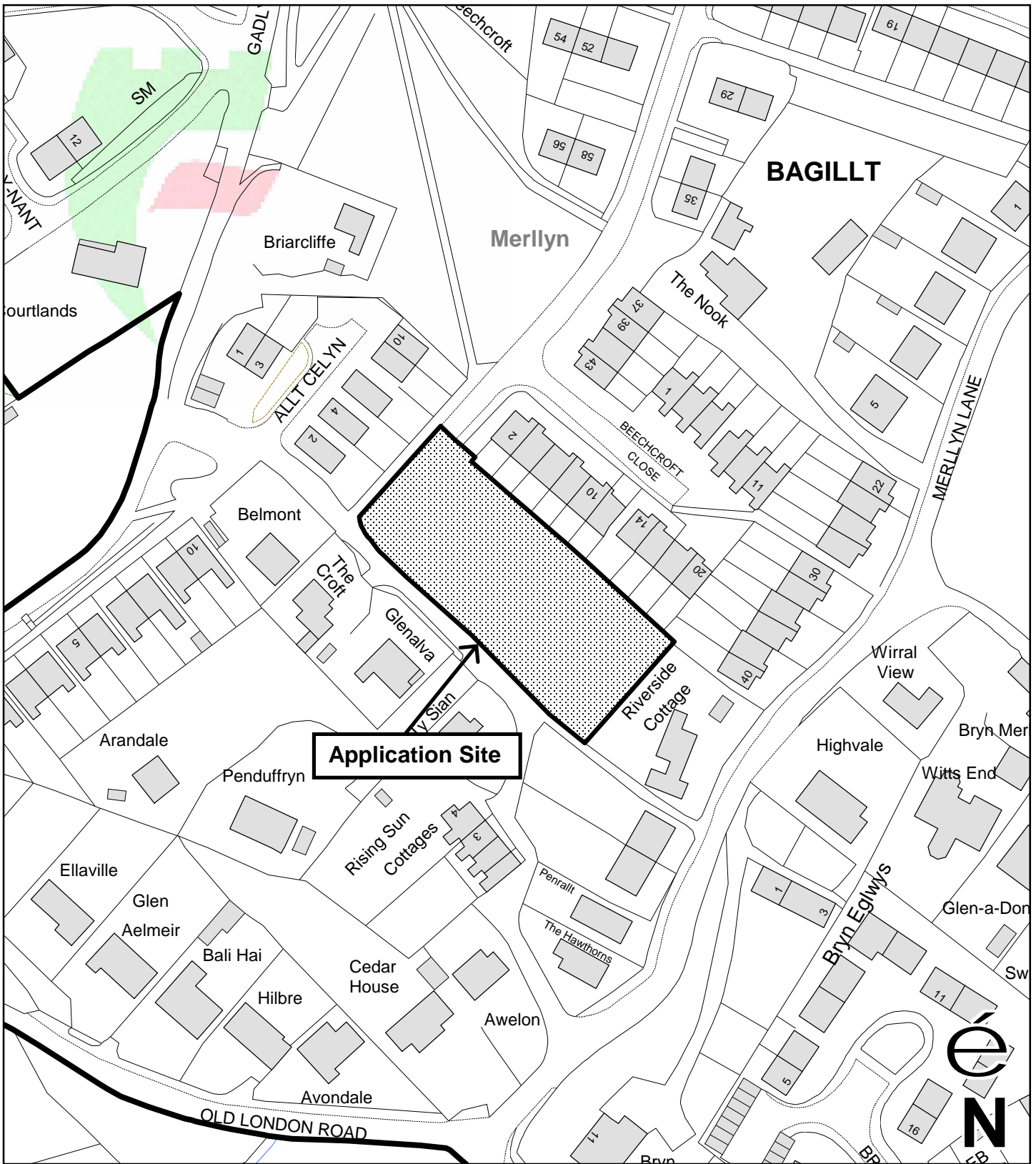
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

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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 2175

Planning Application **57027**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28th MARCH 2018**

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

SUBJECT: **FULL APPLICATION – ERECTION OF TWO STOREY EXTENSION TO REAR OF DWELLING AT 8 TAI MAES, MOLD**

APPLICATION NUMBER: **057900**

APPLICANT: **MR MARK HODGKINSON**

SITE: **8 TAI MAES, MOLD**

APPLICATION VALID DATE: **19th DECEMBER 2017**

LOCAL MEMBERS: **CLLR BRIAN LLOYD**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO OVERBEARING NATURE, PROXIMITY TO BOUNDARY AND LOSS OF PRIVACY**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a householder application for the erection of a two storey rear extension at 8 Tai Maes, Mold.
- 1.02 The main issue for consideration is the impact upon neighbouring residential living conditions.

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

- 2.01
1. Time limit on commencement
 2. In accordance with plans and particulars

3. Windows annotated W1, W2 and W3 will be obscure glazed and non-opening up to 1.7m when measured from internal floor height.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Brian Lloyd

Requests committee determination with site visit due to overbearing nature, proximity to boundary and loss of privacy.

Mold Town Council

No objection.

Head of Public Protection

No adverse comments.

Natural Resources Wales

No objection to the proposal.

4.00 PUBLICITY

4.01 Neighbour Notifications

Two responses received from the owners/occupiers of neighbouring properties who object on the following grounds:

- Overbearing and over-dominant;
- Overlooking;
- Loss of light;
- Size of the extension;
- Unacceptable reduction in size of garden; and
- Does not meet separation distances.

5.00 SITE HISTORY

5.01 No relevant 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

Supplementary Planning Guidance Note No. 2 Space Around Dwellings

7.00 PLANNING APPRAISAL

7.01 Introduction

Planning permission is sought for the erection of a two storey extension to rear of the dwelling at 8 Tai Maes, Mold.

7.02 Site Description

The property is a detached dwelling on a residential estate of mixed house types. To the front of the site there is off-road parking provision with access to the rear where there is private amenity space and an existing conservatory.

7.03 Proposed Development

The proposal is to erect a two storey extension to the rear, which replaces the existing conservatory. The extension allows the ground floor living accommodation to be reconfigured and provides new accommodation in the form of study and kitchen/diner/snug. At first floor the proposal introduces a fifth bedroom with ensuite. The two storey extension projects to the rear by 4 metres, has a ridgeline that is 500mm lower than the original and creates a gable elevation that has two windows as first floor. These two windows serve the new bedroom. There is also a new window proposed in the side elevation to serve another bedroom. These three windows are drawn onto the plans with clear annotation to confirm that the lower panels shall be fixed and fitted with obscured glazing with top openers only (at 1700mm from floor level).

7.04 Main Issues

Policy HSG 12 (a) requires that an extension is subsidiary in scale and form to the existing dwelling. The proposed extension extends 2/3 of the width of the existing dwelling with the proposed ridgeline 500mm lower than the main ridgeline. The proposal is therefore subsidiary in scale to the main dwelling and it not considered to be overbearing.

The form of the extension is considered to subsidiary given that the plot can accommodate the proposal whilst still providing private 'L' shaped amenity space of approximately 130 sq. metres which is 60 sqm in excess of the SPGN2 guidance requirements for new dwellings. The garden is however 'L' shaped and it would be 12m at it longest and 8m long at its shortest following implementation of the proposal. The SPGN is clear that an overall garden length is a standard to be applied to new development. The proposal would provide 130sqm of private garden space which would remain in a usable shaped and well-related to the dwelling it therefore broadly complies with the aims of Supplementary Planning Guidance Note No. 2 Space Around Dwellings in relation to private garden space for dwellings.

With regards to design the proposed extension has been designed to

respect the existing dwelling and the local setting and therefore complies with point b of Policy HSG 12.

Policy HSG12 (c) considers unacceptable impact on people living nearby. There are two habitable windows introduced in the first storey of the proposal which are 18.5 m from the rear elevation of the nearest property. SPGN 2 Space Around Dwellings has a recommended interface distance of 22m between facing bedroom windows. It is therefore proposed that the lower panes of those windows are obscure glazed and non-opening. Similarly an existing bedroom will have a side facing window of which the lower panes will be obscure glazed and non-opening. A condition has been imposed to secure this which it is considered mitigates any concerns with regard to overlooking.

Other matters

7.05

An objection has been received in relation to loss of light. The proposed extension would be positioned 2m West from the common boundary to nearest neighbour at No 6. The loss of light may be considered a material consideration in the planning balance. However, in these circumstances this matter attracts very little weight because of the subsidiary scale and orientation of the proposal to the West of the neighbouring dwelling which would not adversely affect the reasonably expected enjoyment of any rooms or garden space at No 6.

8.00 CONCLUSION

8.01 It is considered that this proposal is in accordance with Planning Policy HSG12 and broadly in compliance with the aims of the guidance contained within SPGN 2 Space Around dwellings.

Other Considerations

8.02

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

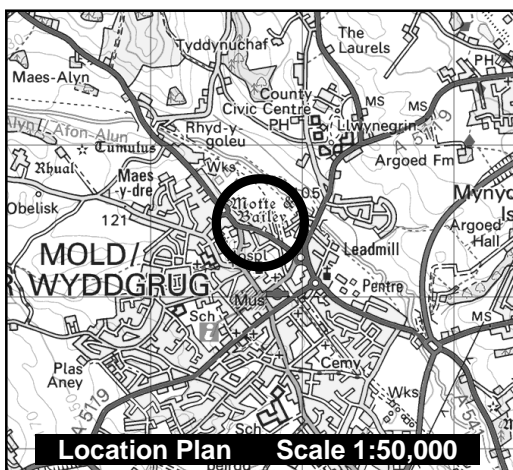
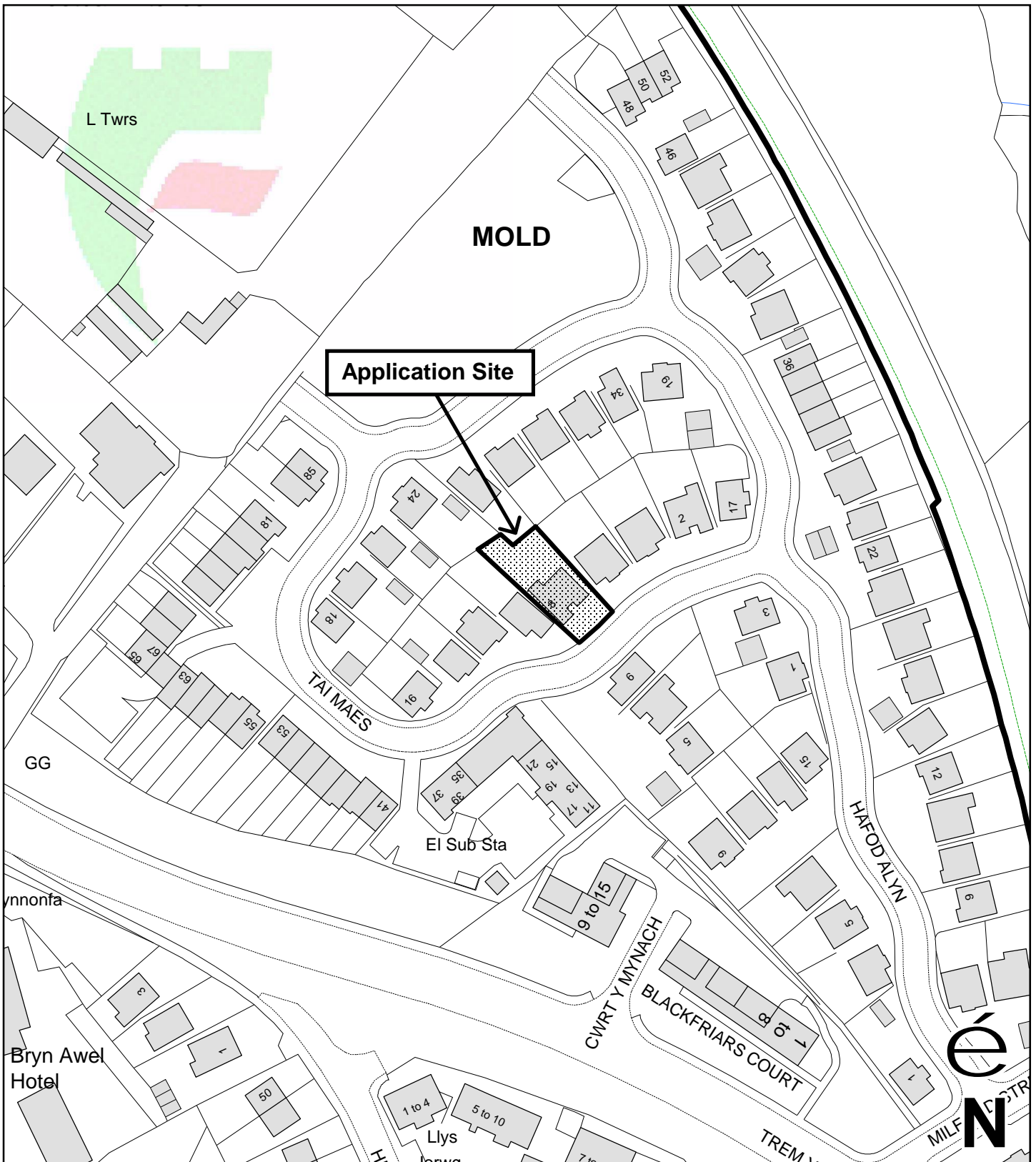
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Lauren Eaton-Jones

Telephone: 01352 703299

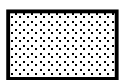

Email: lauren.eaton-jones@flintshire.gov.uk

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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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| OS Map ref | SJ 2364 |
| Planning Application | 57900 |

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH MARCH 2018**

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

SUBJECT: **FULL APPLICATION- CHANGE OF USE TO HOUSE OF MULTIPLE OCCUPATION (PARTLY RETROSPECTIVE) AT 3 THE POPLARS, HAWARDEN**

APPLICATION NUMBER: **57158**

APPLICANT: **MS SARAH DAVIES**

SITE: **3 THE POPLARS, HAWARDEN, DEESIDE CH7 3QD**

APPLICATION VALID DATE: **24th NOVEMBER 2017**

LOCAL MEMBERS: **COUNCILLOR D MACKIE**

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

REASON FOR COMMITTEE: **CONCERN OVER INADEQUATE PARKING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application made in retrospect for the change of use of a 5 bedroom dwelling house to a 6 bedroom house of multiple occupation. It is considered it is acceptable in policy terms and will not detrimentally affect the living conditions of neighbours in the locality or those of the future occupier.

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

- 2.01
1. Time limit on commencement
 2. In accordance with approved details
 3. Facilities shall be provided and retained within the site for the parking of cycles in accordance with a scheme to be submitted to and approved by the County Council.
 4. Maximum occupancy to be 6 individuals
 5. Scheme for bin and recycling storage to be agreed
 6. Scheme to extend the vehicular footway crossing to be agreed within 6 months of approval.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor D Mackie
Concerns over development. Parking Issues. Very Limited parking available.

Hawarden Community Council
Objection

Head of Assets and Transportation
No objection. Conditions proposed.

Head of Public Protection
No adverse comments

4.00 PUBLICITY

- 4.01 Site Notice, Neighbour Notification

3 letters of objection received

- 5 parking spaces declared but only 3 provided
- On street parking already a problem
- Use out of character with surrounding area
- Increase of traffic since unauthorised use began

1 comment (neither object nor support) received

- Queries overspill of parking onto nearby roads

5.00 SITE HISTORY

- 5.01 No relevant history

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development
STR4 - Housing
GEN1 - General Requirements for Development
GEN2 - Development Inside Settlement Boundaries
AC18 - Parking Provision and New Development

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal seeks to convert an existing 5 bedroom residential property at 3 The Poplars, Hawarden, to a 6 bedroom House of Multiple Occupation. There are no external changes proposed to the property. The internal changes include rearrangement of the internal rooms and use of two ground floor rooms, which appear to have served as sitting room and a dining room, as bedrooms.

7.02 Site

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

7.03 Principal of Development

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

7.04 Main Issues

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

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

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

As there are no external changes to the existing dwelling house and the use of the downstairs rooms to be converted to bedrooms were habitable rooms this change will no introduce any further overlooking. The proposal will also retain amenity space to the rear for drying clothes and storage.

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 of the area as it would physically harmonise with the site and surroundings as there would be no material change in its current appearance as a dwelling. It is therefore compliant with Policy GEN1. Furthermore, as there are no new windows proposed the overlooking of any neighbouring properties is unaltered as the existing sitting and dining room, which are considered as habitable rooms. 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. There is a large kitchen/dinner, conservatory and utility room which provides shared amenity space. The smallest bedroom on the ground floor is 7.7m² which is acceptable in terms of housing standards where there is shared amenity space.

As the applicant has not advanced a limit on level of occupation in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. All the bedrooms proposed are of a reasonable size to accommodate a single occupant.

Parking and Impact on the highway

- 7.07 There is a concern that the increased residential use of the HMO, above what would reasonably be the residency of a private dwelling, namely 6 people living as a family, would increase the use of vehicles being kept at the site.

At a recent appeal for a HMO in Buckley, the Inspector noted that :

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

If the same rationale is applied to this application then there would be a requirement for 2.4 car parking spaces. The existing parking provision is provided for by driveways to the front that have been stated to accommodate up to 4 cars free of the highway, although

from my own calculations I would estimate that 3 cars could park comfortably on the site. The site is within the settlement boundary for Hawarden but is not located particularly close to the town centre. There are transport links, namely the Chester/Mold bus service on Wood Lane, within walking distance of the property but the sustainable transport links in this location are fairly limited. As such it would be reasonable to presume that there may be a higher reliance on car usage arising from the proposed HMO.

I recommend that a condition is imposed to ensure that secure bicycle storage is available on site. This provides a non-car transport option for residents and ensures that this option is retained.

8.00 CONCLUSION

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

8.01 Other Considerations

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

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

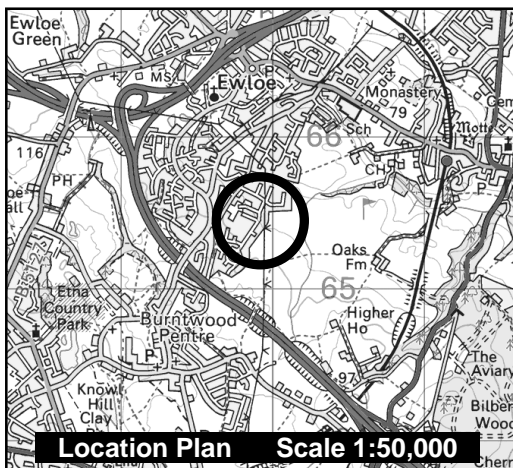
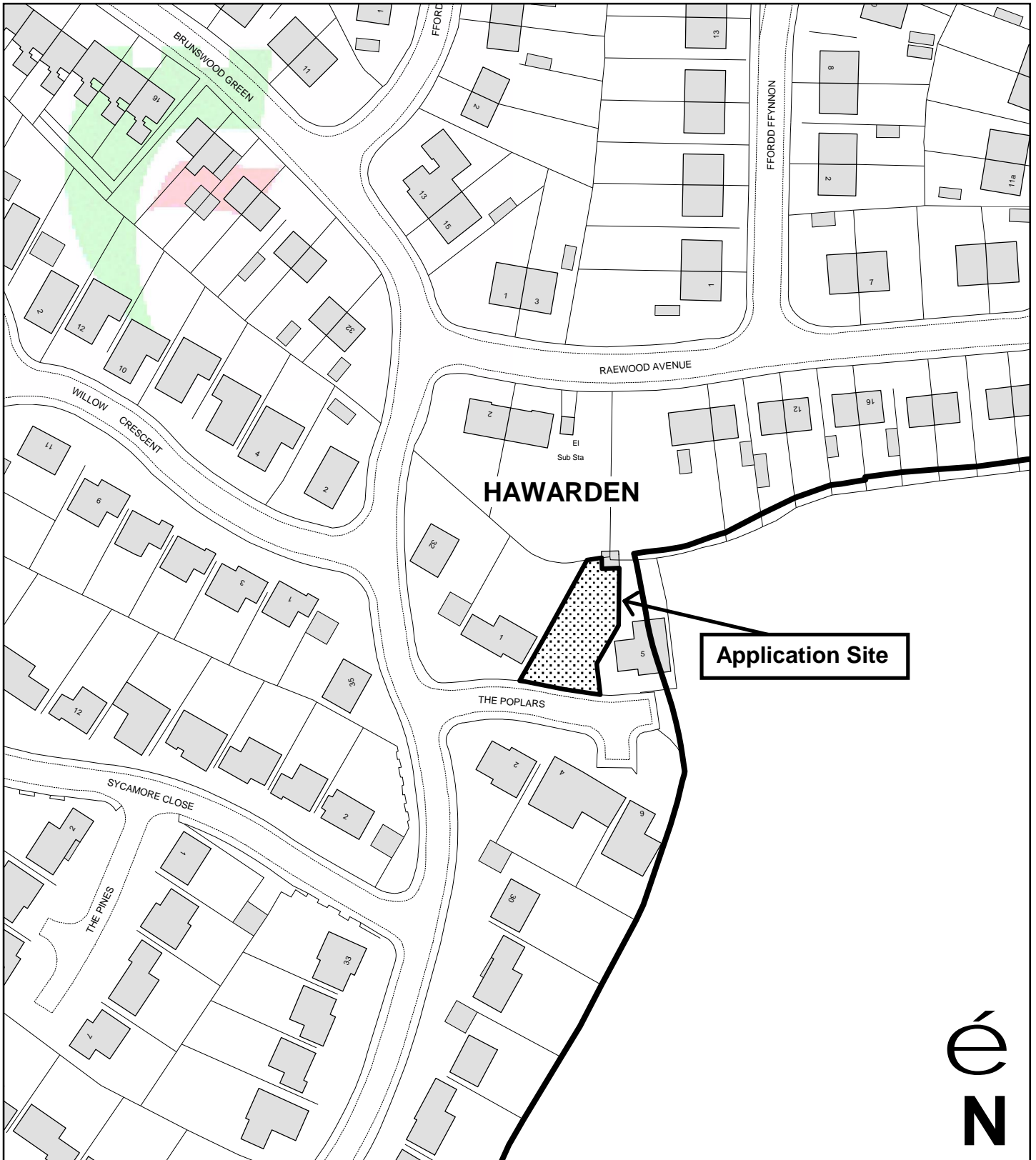
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS



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

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

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| Planning Application | 57158 |

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH MARCH 2018**

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

SUBJECT: **FULL APPLICATION- CHANGE OF USE TO HOUSE OF MULTIPLE OCCUPATION (PARTLY RETROSPECTIVE) AT 5 THE POPLARS, HAWARDEN**

APPLICATION NUMBER: **057260**

APPLICANT: **MS SARAH DAVIES**

SITE: **5 THE POPLARS, HAWARDEN, DEESIDE**

APPLICATION VALID DATE: **24th NOVEMBER 2017**

LOCAL MEMBERS: **COUNCILLOR D MACKIE**

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

REASON FOR COMMITTEE: **CONCERN OVER INADEQUATE PARKING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application made in retrospect for the change of use of a 5 bedroom dwellinghouse to a 6 bedroom house of multiple occupation.

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

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

parking of cycles in accordance with a scheme to be submitted to and approved by the County Council.

4. Maximum occupancy to be 6 individuals

5. Scheme for bin and recycling storage to be agreed

6. Scheme to extend the vehicular footway crossing to be agreed within 6 months of approval.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Mackie

Concerns over development. Parking Issues. Very Limited parking available.

Hawarden Community Council

Objection

Head of Assets and Transportation

No objection. Conditions proposed.

Head of Public Protection

No adverse comments

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

3 letters of objection received

- 5 parking spaces declared but only 3 provided
- On street parking already a problem
- Use out of character with surrounding area
- Increase of traffic since unauthorised use began

1 comment (neither object nor support) received

- Queries overspill of parking onto nearby roads

5.00 SITE HISTORY

5.01 No relevant planning history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal seeks to convert an existing 5 bedroom residential property at 5 The Poplars, Hawarden, to a 6 bedroom House of Multiple Occupation. There are no external changes proposed to the property. The internal changes include rearrangement of the internal rooms and use of a ground floor room, which appear to have served as a sitting room, as a bedroom.

7.02 Site

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

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Living conditions of future occupiers

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The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there are currently no planning guidance on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers. There is a large kitchen/dinner, lounge, utility room and garage which provides shared amenity space. The smallest bedroom on the first floor which is 9.9m² and is acceptable in terms of housing standards where there is shared living space.

As the applicant has not advanced a limit on level of occupation in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. All the bedrooms proposed are of a reasonable size to accommodate a single occupant.

Parking and Impact on the highway

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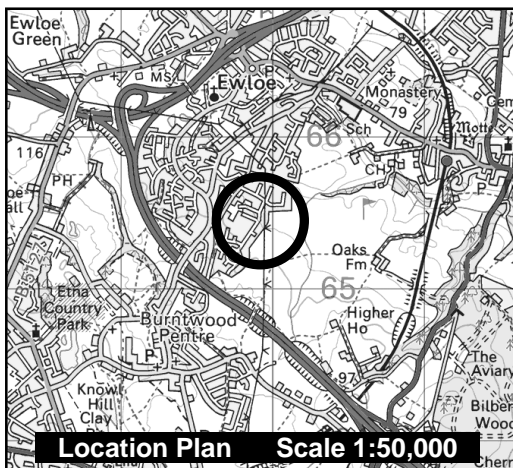
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Telephone: (01352) 703262

Email: james.beattie@flintshire.gov.uk



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

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