

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

30 January 2020

Sharon Thomas 01352 702324  
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Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 5TH FEBRUARY, 2020** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

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## AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 3 - 6)

To confirm as a correct record the minutes of the meeting on 8 January 2020.

5 **ITEMS TO BE DEFERRED**

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

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

### **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 5 FEBRUARY 2020**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
6.1	060587 - R	Full Application - The Demolition of 81 Drury Lane and the Erection of 56 Dwellings, Access, Parking, Open Space and Associated Works at 81 Drury Lane, Buckley. (Pages 7 - 28)
6.2	060667 - A	Full Application - Proposed Change of Use from Dwelling into Multiple Occupancy, Proposed 2 Storey Extension, Right Single Storey Access and Provision of Frontage Parking at 24 Larne Drive, Broughton. (Pages 29 - 40)
6.3	059457 - A	Outline Application for Construction of Two Semi-Detached Two Storey Houses at 128 Mold Road, Buckley. (Pages 41 - 50)
6.4	060374 - A	Full Application - Conversion of Redundant Restaurant/Bar into 13 No. Flats/Apartments at 14 Mill Lane, Buckley. (Pages 51 - 62)
6.5	059026	General Matters - Proposed Variation to Section 106 Agreement - Issa Farm, Bryn Road, Bryn y Baal, Mold. (Pages 63 - 66)
<b><u>Appeal Decision</u></b>		
6.6	059673	Appeal by Sandra Roberts Against the Decision of Flintshire County Council to Refuse Planning Permission for an Outline Application for the Erection of a 4 Bedroomed Detached Dwelling at The Old Toll Cottage, Whitford Road, Whitford - DISMISSED (Pages 67 - 72)

## **PLANNING COMMITTEE** **8 JANUARY 2020**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 8 January 2020

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

Councillors: Mike Allport, Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, 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

**APOLOGY:** Councillor Adele Davies-Cooke

**ALSO PRESENT:** The following attended as local Member:  
Councillor Hutchinson - for Agenda Item 6.2 (060374 - deferred)

### **IN ATTENDANCE:**

Chief Officer (Planning, Environment & Economy); Development Manager; Service Manager - Strategy; Team Leader; Senior Planner; Senior Engineer - Highways Development Control; Senior Solicitor; Team Leader - Democratic Services; and Democratic Services Officer

#### **44. OPENING COMMENTS**

As requested by the Chairman, Members and officers stood in a silent tribute to Peter Evans, the former Democracy and Governance Manager, who had sadly passed away.

#### **45. DECLARATIONS OF INTEREST**

On agenda item 6.3 (060336), Councillor Christine Jones did not have a personal or prejudicial interest, however she had spoken publicly in support of the application. She would therefore speak on the item and leave the room prior to the debate and vote.

#### **46. 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 Council's website:

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MI d=4509&LLL=0>

#### **47. MINUTES**

The draft minutes of the meeting on 4 December 2019 were confirmed as a correct record, as moved and seconded by Councillors Lloyd and Bithell.

**RESOLVED:**

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

**48. ITEMS TO BE DEFERRED**

The Chief Officer (Planning, Environment & Economy) advised that the following item was recommended for deferral, due to a land ownership issue which had been brought to officers' attention. If agreed for deferral, the item would be brought back to the Committee once the appropriate notices had been served and the issue had been resolved.

**Agenda Item 6.2 - Full application - Conversion of redundant Restaurant/ Bar into 13 No. Flats/Apartments at 14 Mill Lane, Buckley (060374)**

Councillor Bithell moved the deferral which was seconded by Councillor Dunbar. On being put to the vote, the item was deferred.

Councillor Peers asked that the report, when re-submitted, address his concerns and those of Councillor Hutchinson as the other local Member, and also include a response from the Highways section. Councillor Richard Jones spoke in support of this request.

**RESOLVED:**

That agenda item 6.2 (060374) be deferred to the next available meeting of the Committee for the reason stated.

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

**RESOLVED:**

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

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

On commencement of the meeting, there were ten members of the public in attendance.

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

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**Chairman**

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**PLANNING COMMITTEE ON 8 JANUARY 2020**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
060360	Llanfynydd Community Council	Full Application - Construction of 2 No. Two Bed Bungalows and Detached Double Garage at Greystones, Ffrwd Road, Cefn-y-Bedd, Wrexham.	Dr. A.H. Clements spoke against the application.  Mr. A. Williams (applicant) spoke in support of the application.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in accordance with the officer recommendation.
060374	Buckley Town Council	Full Application - Conversion of Redundant Restaurant/Bar into 13 No. Flats/Apartments at 14 Mill Lane, Buckley.		<b>DEFERRED</b> - to resolve land ownership issues.
060336	Buckley Town Council	Full Application - New Build 32 Bed Extension to an Existing Care Home Facility and Associated Administration/Service Areas with External Landscaping at Marleyfield House, Nant Mawr Road, Buckley.	Mr. T. Rhodes (agent) and Mr. G. Jones (on behalf of the applicant) spoke in support of the application.  Councillor Christine Jones spoke in support of the application then left the room prior to the debate, returning after the Committee had determined the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
060222	Sealand Community Council	Application for Approval of Reserved Matters Following Outline Approval (058990) at RAF Sealand South Camp, Welsh Road, Sealand.	Mr. A. Cole (agent) spoke in support of the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation.

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 5 FEBRUARY 2020**

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

**SUBJECT:** **FULL APPLICATION - THE DEMOLITION OF 81 DRURY LANE AND THE ERECTION OF 56 DWELLINGS, ACCESS, PARKING, OPEN SPACE AND ASSOCIATED WORKS AT 81 DRURY LANE, BUCKLEY**

**APPLICATION NUMBER:** **060587**

**APPLICANT:** **MULLER PROPERTY GROUP**

**SITE:** **81 DRURY LANE, BUCKLEY**

**APPLICATION VALID DATE:** **8<sup>TH</sup> NOVEMBER 2019**

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

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

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME IN ADDITION TO MEMBER REQUEST GIVEN RECENT REFUSALS FOR RESIDENTIAL DEVELOPMENT, PUBLIC INTEREST AND DEPARTURE FROM DEVELOPMENT PLAN**

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

### **1.00 SUMMARY**

- 1.01 This full planning application has been submitted for the demolition of an existing property at No. 81 Drury Lane, Drury, to facilitate the formation of an access into approximately 1.95 hectares of land at the rear, to enable the construction of 56 No. dwellings.

1.02 For Members information, the application has been submitted in full, subsequent to previous outline applications for residential development for 66 No dwellings at this location, which were refused under 058489 and 060160, following consideration at the Planning Committee in March and October 2019 respectively.

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

2.01

- 1) The proposed development does not represent positive making or embrace the objectives of good design as the development fails to respond to the existing site and its surrounding context in terms of how and at what appropriate density development can be successfully integrated on this windfall development site. The applicant simply seeks to maximise the amount of development on this site with little regard to the appropriateness or impact of this on the wider community surrounding the site. The proposal is therefore contrary to the guidance in Section 3 of Planning Policy Wales (PPW) Edition 10 in relation to place making and good design.
- 2) The proposals represent an unexplained and therefore illogical and unjustified incursion into the open countryside where the land in question is also within a green barrier. No explanation has been given as to why the part of the application site in open countryside is required to help facilitate development within the settlement boundary, or why development and supporting infrastructure, including public open space, cannot be designed and provided on the windfall site within the settlement boundary. There is therefore no requirement to harm the character of the open countryside in this location. The proposal is therefore contrary to Planning Policy Wales (PPW) Edition 10 and Policies STR1, STR7, GEN1, GEN3 and GEN4 of the Flintshire Unitary Development Plan.
- 3) The form, density and layout of the proposed development is unacceptable and would be detrimental to the living conditions of the occupiers of existing neighbouring properties and future residents of the development, as well as to the character of the site and surrounding area. The proposed layout fails to provide adequate and integrated formal and informal play and open space within the development, fails in part to provide for adequate separation distances between dwellings or garden depths, and parts of the road layout are below the standards required for highways adoption. The proposal therefore simply seeks to maximise the number of units within the site at the expense of achieving a design which has the realistic ability to accommodate them and as such does not represent a



sustainable form of development. The proposal is therefore contrary to Planning Policy Wales (PPW) – Edition 10, Technical Advice Note 12 – Design, Technical Advice Note 18 – Transport and Policies STR1, STR7, GEN1, D1, D2, AC18, HSG3 and HSG8 of the Flintshire Unitary Development Plan and LPGN 2 Space Around Dwellings.

- 4) The site includes an area of Grade 3A (Best and Most Versatile) agricultural land which should be protected from development unless there is an overriding need for it and there is no other lower grade land available (or such land as is available has an environmental value that outweighs agricultural considerations). The applicant has failed to address the demonstrate compliance with these tests. Accordingly, the proposals are contrary to Planning Policy Wales Edition 10 and Policies GEN1 and RE1 of the Flintshire Unitary Development Plan.
- 5) The application does not provide adequate details of the means of ecological mitigation associated with the development, in respect of the Great Crested Newt Habitat at this location. The proposal is therefore contrary to Planning Policy Wales (PPW) – Edition 10, Technical Advice Note 5 – Nature Conservation and Planning and Policies STR7, GEN1, WB1 and WB2 of the Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Councillor M.J. Peers/Councillor D. Hutchinson

Request Planning Committee determination as planning applications on this site have recently been refused by the Planning Committee on three previous occasions. The committee need to determine this application due to the overwhelming public interest and departure from the development plan.

Preliminary views are that:-

- The Agricultural Land Classification (ALC) is Subgrade 3a and is part of the best and most versatile (PPW Edition 10 – Para 4.10.01). It should be considered a finite resources for the future. There is no over-riding need for this development.
- The Drury/Burntwood area has recently seen two applications approved for housing.
- Part of the development is within a Green Barrier in the Development Plan.

Buckley Town Council

The Town Council recommends refusal of the application for the three reasons that the three previous applications have been refused ie.

unacceptable density of property, partly in the settlement boundary and partly in the green barrier and the land is Grade 3A Agricultural. The Town Council also wished it to be noted that there is no requirement for further housing developments in the area following the developments at Pen-y-coed and Hillcrest, together with the allocated site in Well Street. The application would also involve the demolition of a 100 year old property.

#### Education & Youth

Advises that the schools affected by the proposed development are as follows:-

##### School: Drury County Primary School

Currently NOR (@ September 2019) 143 (excluding Nursery)

Capacity (@ September 2018) 124 (excluding Nursery)

No. Surplus Places:- 19

Percentage of Surplus Places:- 15.32%

##### School: Elfed High School

Current NOR (@ September 2019) is 878

Capacity (@ September 2018) is 983.

No. Surplus Places is 105

Percentage of Surplus Places is: 10.68%

##### Primary School Pupils

School Capacity  $124 \times 5\% = 6.20$  (6)

$124 - 6 = 118$ . Trigger point for contributions is 118 pupils.

(No. of units)  $56 \times 0.24$  (primary formula multiplier),  $0.24 =$  Child Yield, 13.4 (13) No. of pupils.

Current numbers on roll  $143 +$  Child Yield 13 = Potential Numbers on Roll 156

Potential Numbers on Roll 156 – Trigger for Contributions, 118 = Potential Number of Contributions Sought 38

Cannot seek more contributions than generated

Actual Number of Contributions Sought 13 x Cost per Pupil Multiplier £12,257.00 = Contribution Requirement would be £159,341.

##### Secondary School Pupils

School capacity of  $983 \times 5\% = 49.15$  (rounded up or down) 49

Capacity  $983 - 49 = 934$  Trigger point for contributions is 934 pupils

(No. of Units  $56 \times 0.174$  (secondary formula multiplier) = Child Yield 9.7 (10 No. of pupils/generated x £18,469 per pupil (Building Cost Multiplier)

Current Numbers on Roll, 878 + Child Yield, 10 = Potential Numbers on Roll 888.

The Potential Numbers on Roll do not exceed the trigger for contributions Contribution requirement would be £0.

#### Housing Strategy Manager

Awaiting response at time of preparing report. Previous response in respect of 058489 is as follows:-

“The application is to develop 66 No. dwellings in Buckley which is a semi-urban settlement and the policy requires a 30% provision of affordable housing on site for development of over 1.0 ha or 25 dwellings. The applicant is proposing 30% (32 No.) affordable units, mix and tenure to be agreed.

In terms of evidence of housing need in Buckley:

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units;

The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between social rented (56.2%) and intermediate (43.8%) tenures;

However, the NEW Homes register is to be integrated with Tai Teg, therefore it can be assumed that this is an under estimate of demand for affordable products in Buckley.

The provision of 30% on site affordable housing provision is supported, tenure mix and unit sizes needs to be agreed”.

#### Highways Development Control

Recommend that the application be refused as the layout of the proposed roads and parking provision is unsuitable and likely to lead to obstruction, congestion and inappropriate reversing distances.

#### Community and Business Protection

Phase 1 Land Contamination has been submitted which must be reviewed with appropriate remediation where necessary when formal details of the development are submitted. Requires imposition of a condition to address this issue.

#### Welsh Water/Dwr Cymru

Confirm request that if planning permission is granted that a condition be imposed to secure the implementation of a satisfactory scheme for the disposal of foul water.

#### Natural Resources Wales

No objection in principle but consider limited information has been submitted to safety requirements for ecological mitigation.

#### Council Ecologist

No objection to the principle of the development. The submitted Habitat Regulation Assessment does not provide adequate details of ecological mitigation in respect of the Great Crested Newt habitat at this location.

#### The Coal Authority

The application site falls within the defined Development High Risk Area. A Mining & Mineshaft Risk Assessment has been undertaken as part of the application and The Coal Authority agree with its conclusions recommending the imposition of a planning condition for site investigation works/remedial works where necessary prior to commencement of development.

#### Conservation Officer

The building is not statutorily listed or classified as a Building of Local Interest. Do not consider that its demolition when linked to wider development proposals would be detrimental to the character of the street scene and refusal is not warranted in this respect.

#### Clwyd-Powys Archaeological Trust

In acknowledging that an assessment of the building has been undertaken by the Council's Conservation Officer and it is concluded that the building does not warrant retention. Request in the event of permission being granted that an appropriate photographic survey is undertaken prior to demolition..

#### AURA (Play Design Officer)

Do not support the proposed siting of Public Open Space across the road from the development, and require more dedicated open space where the proposed development is taking place.

#### Welsh Government (Agricultural Land Use Planning Unit)

As the land is confirmed to be Best and Most Versatile land – ALC Subgrade 3a. It is recommended in accordance with Planning Policy Wales that a sequential test is undertaken. The Local Planning Authority will need to be assessed that the site cannot be farmed to its full potential in future. This must be tested and the assertion evidence.

#### Rights of Way

Public Footpath 14 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

### **4.00 PUBLICITY**

#### **4.01 Press Notice, Site Notice, Neighbour Notification**

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

- Demolition of existing property would have a detrimental impact on the character of the site/surroundings.

- Increased traffic generation would be detrimental to amenity/highway safety.
- Overdevelopment in the locality.
- Demolition of existing dwelling would have detrimental impact on character of the street scene at this location.
- Limited services to serve the scale of development.
- Development of the site has previously been refused by the Planning Committee on 3 No separate occasions. There has been no change in circumstances to warrant a different conclusion being made

## **5.00 SITE HISTORY**

### **5.01 060160**

Outline application for the demolition of 81 Drury Lane and construction of 66 No. dwellings – Refused 18<sup>th</sup> October 2019

### **058489**

Outline application for the demolition of 81 Drury Lane and construction of 66 No. dwellings – Refused 7<sup>th</sup> March 2019. Appeal lodged but not accepted by Planning Inspectorate – due to limitations in scale parameters of proposed development.

### **056023**

Demolition of existing dwelling and provision of access junction and access road – Refused 19th January 2017.

## **6.00 PLANNING POLICIES**

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

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy STR7 – Natural Environment.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy GEN3 – Development in the Open Countryside.

Policy GEN4 – Green Barriers.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy TWH2 – Protection of Hedgerows.

Policy WB1 – Species Protection.

Policy WB2 – Sites of International Importance.

Policy WB4 – Local Sites of Wildlife & Geological Importance.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Policy Provision & New Development.

Policy HSG1 – New Housing Development Proposals.

Policy HSG3 – Housing on Unallocated Site Within Settlement Boundaries.  
Policy HSG8 – Density of Development.  
Policy HSG9 – Housing Mix & Type.  
Policy HSG10 – Affordable Housing within Settlement Boundaries  
Policy RE1 – Protection of Agricultural Land.  
Policy SR1 – Sports Recreation or Cultural Facilities.  
Policy SR5 – Outdoor Playing Spaces & New Residential Development.  
Policy EWP15 – Development of Unstable Land.  
Policy IMP1 – Planning Conditions & Planning Obligations.

#### Additional Guidance

Planning Policy Wales (PPW) Edition 10 (December 2018).  
Technical Advice Note 1 – Joint Housing Land Availability Studies.  
Technical Advice Note 2 – Planning & Affordable Housing.  
Technical Advice Note 5 – Nature Conservation & Planning.  
Technical Advice Note 6 – Planning for Sustainable Rural Communities.  
Technical Advice Note 12 – Design.  
Technical Advice Note 18 – Transport.  
Technical Advice Note 24 – The Historic Environment.  
Local Planning Guidance Note 13 – Open Space Requirements  
Supplementary Planning Guidance Note 2 – Space Around Dwellings.  
Supplementary Planning Guidance Note 3 – Landscaping.  
Supplementary Planning Guidance Note 8 – Nature Conservation & Development.  
Supplementary Planning Guidance note 9 – Affordable Housing.  
Supplementary Planning Guidance Note 11 – Parking Standards.  
Supplementary Planning Guidance Note 13 – Outdoor Playing Space & (under Review).  
Supplementary Planning Guidance Note 23 – Developer Contributions to Education.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full planning application has been submitted for the demolition of an existing property at No. 81 Drury Lane, Drury, to facilitate the formation of an access into approximately 1.95 hectares of land at the rear, to enable the construction of 56 No. dwellings.

### **7.02 Background**

As members will be aware there is a recent and significant background of planning history at this location which is material to determination of this application, and is referred to in paragraph 5.00 of this report. In summary two previous outline applications for the

demolition of 81 Drury Lane and development of 66 No. dwellings on land to the rear, were refused following consideration by the Planning Committee under 058489 and 060160 in March 2019 and October 2019 respectively.

7.03 Proposed Development

The application for the erection of 56 No dwellings has been submitted in full. The application site (edged red) comprises 2 No. areas of land namely:-

a) 1.75 hectares of land to the rear of 81 Drury Lane, east of properties on Meadow View and west of Bank Lane. This part of the application site is within the settlement boundary of Drury as defined in the Flintshire Unitary Development Plan; and

b) Approximately 0.2 hectares of land to the east of Bank Lane. For Members information this element of the development is located outside the settlement boundary of Drury and is within a Green Barrier as defined in the Flintshire Unitary Development Plan (FUDP).

7.04 The site plan submitted as part of the application proposes the erection of 56 No dwellings on that part of the site to the west of Bank Lane that is within the settlement boundary. It is proposed that the dwellings would be a mix of 2 storey terrace, semi-detached and detached dwellings, constructed having brick external walls and slate substitute roofs. This is premised on the basis that the site layout plan shows 2 No. separate areas of open space to serve the development namely:-

- a) An equipped area/attenuation basin approximately 0.2 hectares in area within the north eastern corner of that part of the site within the settlement boundary.
- b) An area of informal open space amounting to approximately 0.2 hectares within the Green Barrier on the northern side of Bank Lane.

7.05 In support of this approach the applicant considers that:

*“The additional area of open space proposed immediately adjacent on the north side of Bank Lane is easily accessed by foot and can also be overlooked by properties on the edge of the developed area. This area of open space will be used for more informal recreation including walking, sitting, casual play etc. Essentially, it will be an open area and there will be no buildings or formal structures within it.*

7.06 *This element of the overall space provision is situated within the Policy GEN4 Green Barrier; no residential units are proposed. The Green Barrier Policy does allow essential facilities for sports and recreation and, thus, it is our view that the recreational element of the overall scheme, which would take place to the north of Bank Lane,*

*constitutes a land use which otherwise would be expected to take place in the Green Barrier in any event and, as such, there would be no breach of the purpose of the Policy”.*

7.07 Notwithstanding the above, this part of the application site is distinctly separate from the part of the site considered to be a potentially suitable windfall site by the FUDP Inspector, which is within the settlement boundary. Bank Lane is beyond the limits of the settlement defined in the UDP and represents a distinct character break and change from the urban form of Drury to the open countryside beyond.

7.08 Main Planning Considerations

It is considered that the main planning considerations to be taken into account in relation to this application area:-

- a) The principle of development
- b) Place making and Design
- c) Provision of housing and the disapplication of paragraph 6.2 of TAN 1
- d) Scale/form design.
- e) Agricultural Land Classification
- f) Adequacy of Access.
- g) Visual impact and loss of trees and hedgerows
- h) Impact on ecological habitats.
- i) Provision of affordable housing
- j) Open space provision.
- k) Provision of Education Contributions.
- l) Loss of existing dwelling on the character of the street scene

7.09 Principle of Development

It is acknowledged that in progression of the Unitary Development Plan, the Inspector at that time recommended retention of the allocation at Clydesdale Road (now developed) for residential development. It was also concluded that the land on the western side of Bank Lane also be retained within the settlement boundary, and if it was in accordance with Policy HSG3 treated as any other windfall site.

7.10 The general principle of development is considered acceptable within a settlement boundary (subject to acceptability of detailed matters). However, in this application it is also proposed that an area of additional land adjacent to, but outside of the settlement boundary is also included within the application site, with this land being within the open countryside and a Green Barrier. Notwithstanding the views of the applicant summarised in paragraphs 7.05 & 7.06 of this report, it is unclear from the information submitted in support of the application why it is considered necessary or appropriate for an area of open countryside beyond the clearly defined settlement limits to be included as part of this development. The impact of this aspect of the



development is considered in detail both in terms of acceptability from a co-ordinated development management perspective, and in terms of its impact on the landscape and character of the open countryside on the eastern edge of Drury.

7.11 PPW states in paragraph 3.3 that good design is fundamental to creating sustainable places where people want to live, work and socialize. It also states that design must include how space is used, how buildings and the public realm support this use, as well as its construction, operation, management and its relationship with the surrounding area. In paragraph 3.4 PPW urges that for all those involved in the development process (which includes the applicant), the aim for all should be to meet the objectives of good design, applied to all development at all scales.

7.12 A key concern with this proposal is the unexplained need to encroach into the open countryside, particularly in this instance where there is a clear transition represented by Bank Lane, from an urban context, to the rural countryside beyond. Simply stating as the applicant has that the proposed use of this part of the development would be 'compatible' with policies that allow recreational uses does not explain the need to encroach, or why development cannot be successfully achieved and integrated on the recognised windfall element of the site within the settlement boundary following the principles of good design. PPW is clear in paragraph 3.34 that the countryside is a dynamic and multipurpose resource that, in line with the sustainable development and national planning principles and in contributing towards placemaking outcomes, must be conserved and where possible enhanced for amongst other things referenced, its ecological and agricultural value, and for its landscape and natural resources.

7.13 Returning to the principles of good design set out in PPW and this unexplained encroachment into the countryside, it is considered that the proposed development has failed to respect the principles of placemaking and good design in terms of:-

- Character – there is no clear rationale or strong vision as required in paragraph 3.9 of PPW that explains the design decision made, based on site and context analysis, to explain why the development needs to encroach into the open countryside.
- Community Safety – because of the annexed nature of the part proposal in open countryside and the intended use of the land beyond the settlement boundary for informal recreational use, the applicant has failed to produce a safe environment in accordance with the cohesive communities well-being goal because of the lack of surveillance, overlooking and the need to cross a public highway to access the land;
- Appraising context – Paragraph 3.4 of PPW explains that site and context analysis should be used to determine the

appropriateness of a development proposal in responding to its surroundings. It goes on to state that this process will ensure that a development is well integrated into the fabric of the existing built development. The Local Planning Authority considers that the applicant has failed in this assessment and in presenting a design that responds appropriately to the existing environment and context, having also failed to explain the need to develop part of the proposal in the open countryside or highlighted no particular constraints or limitations of the windfall element of the site within the settlement boundary, that prevent an integrated development from being designed in that context, that provides for the needs of the future residents within the development.

7.14 Given this, the principle of the development is unacceptable given the unexplained and unnecessary encroachment of the development into the open countryside. Although it is acknowledged that no formal structures or buildings are proposed in the part of the development beyond the settlement boundary, because of the lack of justification or need to do so, the overriding need is to preserve the character of the open countryside from harmful encroachment and unsustainable forms of development.

7.15 Place Making and Design

Planning Policy Wales states that good design is fundamental to creating sustainable places and is not simply about the architecture of a building or development, but the relationship between all elements of the natural and built environment and between people and places. It is important therefore that this proposal, makes a positive and sensitive response to the character, context, accessibility, and environmental sustainability of the site and its surroundings. These are some of the main objectives of good design referred to in PPW, yet the proposal because of its unexplained encroachment into open countryside, and at the scale applied for represents an unacceptably high density of development in this location and is in conflict with these objectives from the outset, as it fails to create a positive and legible relationship between the site and its surroundings.

7.16 The design and access statement fails to make reference to relevant context and guidance found in Planning Policy Wales - Edition 10 and Technical Advice Note 12 Design. There are other omissions from the supporting statements that have a direct relationship to the principle of place making and good design

7.17 The application specifically asks the Local Planning Authority to approve 56 dwellings on that part of the site within the settlement boundary (1.75 hectares) which would result in a density of development of approximately 32 dwellings per hectare (dph). This is

in excess of the existing built form and context of approximately 29 dph that exists.

- 7.18 The issue of density however needs to be read in conjunction with the site layout submitted, having regard to the nature of the existing development in proximity to the site in which it is located and the fact that the layout fails to provide for adequate play and informal open space within the development, compromises space about dwellings and separation distances for some units, and has a substandard and unadoptable highways layout. This does not represent good design or placemaking in response to site context, and is instead simply an exercise in attempting to maximising development on this site, which is not a sustainable approach to development.
- 7.19 It is my view that the layout fails to respect the existing character both adjacent to existing development and the site's edge of settlement location on the edge of the open countryside resulting in a form of overdevelopment which if developed would be detrimental to the well-being of future residents and the surrounding community.
- 7.20 Housing Land Supply  
It is accepted that the Council, within the terms of Technical Advice Note 1, cannot demonstrate a 5 year housing land supply. This does not necessarily mean that the Council has a zero supply given that it has a supply of commitments (permissions). This is demonstrated by the first four years of the Local Development Plan period where completions have averaged 548 units per annum compared to the plans requirement of 463 per annum.
- 7.21 Welsh Government Technical Advice Note 1 states that “The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study....The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”
- 7.22 The disapplication of Paragraph 6.2 of TAN1 in July 2018 however specifically refers to the notion of affording “considerable” weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications for housing. The disapplication took effect on the 18th July 2018.
- 7.23 Whilst this does not mean that a lack of land supply is no longer a material planning consideration to be weighed in the planning balance, it does redress the previous bias emphasised by the use of the term “considerable weight”, and also leaves the weight to be applied to this issue, for the Local Planning Authority (LPA) to

determine. Therefore, the weight that should now be attributed to the need to increase supply is dependent on the planning balance providing that the development would otherwise comply with the development plan and national planning policies.

7.24 Provision of Open Space

Consultation on the application has been undertaken with the Council's Play Design Officer (AURA). The submitted site layout plan shows 2 No. separate areas of open space to serve the development namely:-

- a) An equipped area of land on the part of the site within the settlement boundary. This has been re-positioned from that previously shown in respect of that shown as part of previous outline applications.
- b) An area of informal open space divorced from the main development within the Green Barrier on the eastern side of Bank Lane.

7.25 This approach is considered unacceptable to AURA as the Public Open Space Provision should from a functionality and safety perspective be located in one area and integrated within the layout proposed and not divorced/separated in this case by Bank Lane.

7.26 The provision of an acceptable level/appropriate siting of open space is of fundamental importance to the Local Planning Authority. It is therefore of concern that it appears likely that the only way the sufficient open space can be provided whilst at the same time allowing up to 56 dwellings to be constructed within the settlement boundary, is for a significant part of it to be provided on the western side of Bank Lane, where there is a potential for conflict between its usage and impact on BMV.

7.27 Adequacy of Access

Consultation on the application has been undertaken with Highway Development Control who have assessed the proposal having regard to the submitted Transport Assessment and additional trip rate data (TRICS). The views of the Highway Strategy Department have also been sought in this respect given concerns raised as part of the consultation exercise undertaken that there are capacity issues along Drury Lane. In the absence of any objection from Highway Strategy to this particular aspect of the highway network and having regard to the submitted data forming part of this application there is no objection to the principle of proposed development.

7.28 It is however the view that the submitted layout is unacceptable as there are a number of parts within it that are constrained that would lead to obstruction and congestion from a highway perspective and are not supported in its current form.

- 7.29 Agricultural Land Classification  
An Agricultural Land Classification Survey has been re-submitted as part of the application which refers to the whole site being classified as Subgrade 3a (Best and Most Versatile Agricultural Land – BMV). Welsh Government’s Land Use Planning Unit have accepted that the submitted Agricultural Land Classification Study has been completed to a high standard and is considered to provide an accurate indication of the agricultural land quality on the site.
- 7.30 In accordance with Planning Policy Wales (paragraphs 3.54 & 3.55) and Technical Advice Note 6 Annexe B, BMV “should be conserved as a finite resource for the future”. Therefore “considerable weight should be given to protecting such land from development, because of its special importance” and it should “only be developed if there is an overriding need for the development, and either previously development land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed and there is a choice between sites of different grades, development should be directed to land of the lowest grade”. Essentially the same tests are reflected in Policy RE1 of the UDP.
- 7.31 The applicant’s agent has sought to justify the loss of BMV on that part of the site which the settlement boundary on the basis that it will not be farmed to its full potential, but as the unacceptability of encroaching into the open countryside has already been established, any loss of BMV is equally therefore unacceptable in this context.
- 7.32 Impact of Ecological Habitats  
For Members information the application site is located within approximately 0.5 km of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC). This supports a nationally important population of Great Crested Newt.
- 7.33 Consultation on the application has been undertaken with both Natural Resources Wales (NRW) and the Council’s Ecologist in order to address the potential direct/indirect impact on the SAC including those associated with potential in combination increases in recreational pressures and disturbance/predation of wildlife.
- 7.34 Following the submission of a Habitat Regulation Assessment which it is concluded does not offer the same level of mitigation as previously forming the earlier outline applications, it has not been confirmed to an acceptable level of detail, whether appropriate mitigation is to be provided by:-
- a) Submission and implementation of an on/off site recreation scheme and/or

- b) Submission of a commuted sum per household.
- 7.35 Whilst the general principle of the use of this land for ecological mitigation is considered to be acceptable to the Council's Ecologist and NRW further details in respect of ecological mitigation need to be confirmed to enable this issue to be resolved satisfactorily to enable this issue to be controlled by the imposition of condition(s).
- 7.36 Visual Impact & Loss of Trees/Hedgerows  
The application site comprises 3 parcels of agricultural land bisected by Bank Lane. The boundaries of the site are defined by existing residential development /hedgerows. As part of the application a Visual Appraisal has been submitted which proposes additional tree /hedgerow planting along the south-west and south east boundaries but insufficient details have been submitted to ensure that this will integrate development into the wider surroundings.
- 7.37 Impact of Ex-Mining Works  
Given the previous mining history at this location a Mining & Mineshaft Risk Assessment has been submitted as part of the application on which consultation has been undertaken with the Coal Authority. In progression of this application however the basis for the assessment/data used has been questioned and as a result further clarification has been sought in the respect form The Coal Authority in order to ensure that they have access to the relevant mining records.
- 7.38 History of Mining works  
For Members information it has been confirmed that whilst acknowledging this additional source data, none of the recorded mine entries are in the site boundary and their respective zones of influence do not encroach into the site. Whilst it is however appreciated that the mine entries are on land within the control of the application it is considered unreasonable for further investigation be undertaken, given that the mine entries do not implicate on the development proposed
- 7.39 Provision of Affordable Housing  
It is proposed that 17 No. affordable units are provided with the development to meet 30% affordable provision in accordance with Policy HSG10 of the Flintshire Unitary Development Plan. Further agreement on the tenure and mix would however need to be agreed and secured by legal agreement in the event of planning permission being obtained.
- 7.40 Provision of Education Contributions  
Primary and Secondary formula multipliers have been applied to assess the potential impact of the proposal on the capacity of both Drury CP School and Elfed High School. Due to capacity having been reached at Drury CP School a section 106 contribution would be

sought for £159,341. This is based on a calculation of 56 units. The trigger points for Elfed High School have not been met and a contribution will not be sought.

- 7.41 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'.
- 7.42 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.
- 7.43 It is considered that the education contributions would meet the regulation 122 tests. Drury CP School is oversubscribed and due to the added pressure on the school the development would require contributions to mitigate against this impact.
- 7.44 Impact of Loss of Existing Dwelling  
As previously indicated, the proposed development would involve the demolition of an existing dwelling at 81 Drury Lane in order to facilitate the formation of an access to serve the erection of up to 56 No. dwellings at this location.
- 7.45 The property is physically attached to an adjacent dwelling (No. 79 Drury Lane) and although it is not statutorily listed or classified a Building of Local Interest (BLI) it has formed part of the inherent character of the street scene at this location for a considerable period of time.
- 7.46 In determination of application 056023 in January 2017 particular concern/objection was raised to the demolition of the building for the sole purpose of forming a new access which if it remained in situ for some time would have a detrimental appearance on the street scene at this location.
- 7.47 The concerns of residents and Local Members to the loss of this building is respectfully noted and acknowledged. The fundamental difference in my opinion however between that previous application for the sole demolition of 81 Drury Lane and that currently submitted is that this proposal is now linked to a wider application site that it is intended to serve. The Council's Conservation Officer does not

7.48 consider the building to be worthy of listing and whilst its demolition would change the street scene at this location this would not be detrimental within this urban environment to warrant a reason for refusal on this basis Clwyd-Powys Archaeological Trust have however requested in the event of permission being granted that a condition be imposed to serve the submission of a photographic survey prior to its demolition.

7.49 Other Matters

Third parties have objected to the application on the basis that there are limited services in the area. As there is little evidence to support this claim this matter can only be attributed very minor weight in the overall planning balance.

**8.00 CONCLUSION**

8.01 There is no justification given by the applicant as to why it is necessary to extend the proposed development beyond the settlement boundary and into open countryside.

8.02 Given this, the proposal fails to represent positive place making and the objectives of good design, as it does not respect to or respect the existing character and context of the site and surrounding area.

8.03 The resultant design and layout of the proposed scheme compromises clear principles in relation to space about dwellings, adequate provision of open space and highways design and layout, in search of the maximum number of units on the site.

8.04 This does not represent a sustainable form of development and as such little weight should be attached to increasing housing supply, due to the failings of this proposal. The proposal would also lead to the loss of an area of Grade 3a Best and Most Versatile Agricultural Land and not precede at this stage adequate detail of proposed ecological mitigation. In these circumstances the proposed development is considered to be unacceptable and the recommendation is for permission to be refused.

8.05 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.

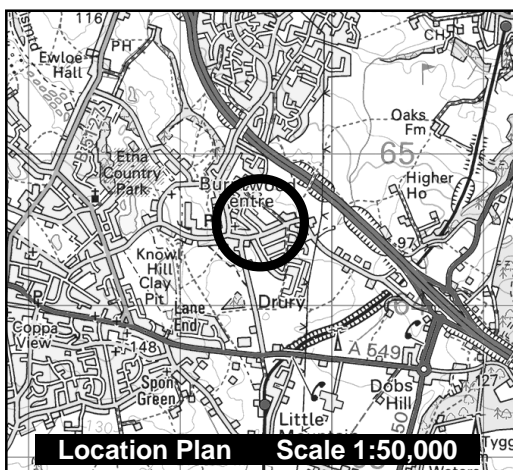
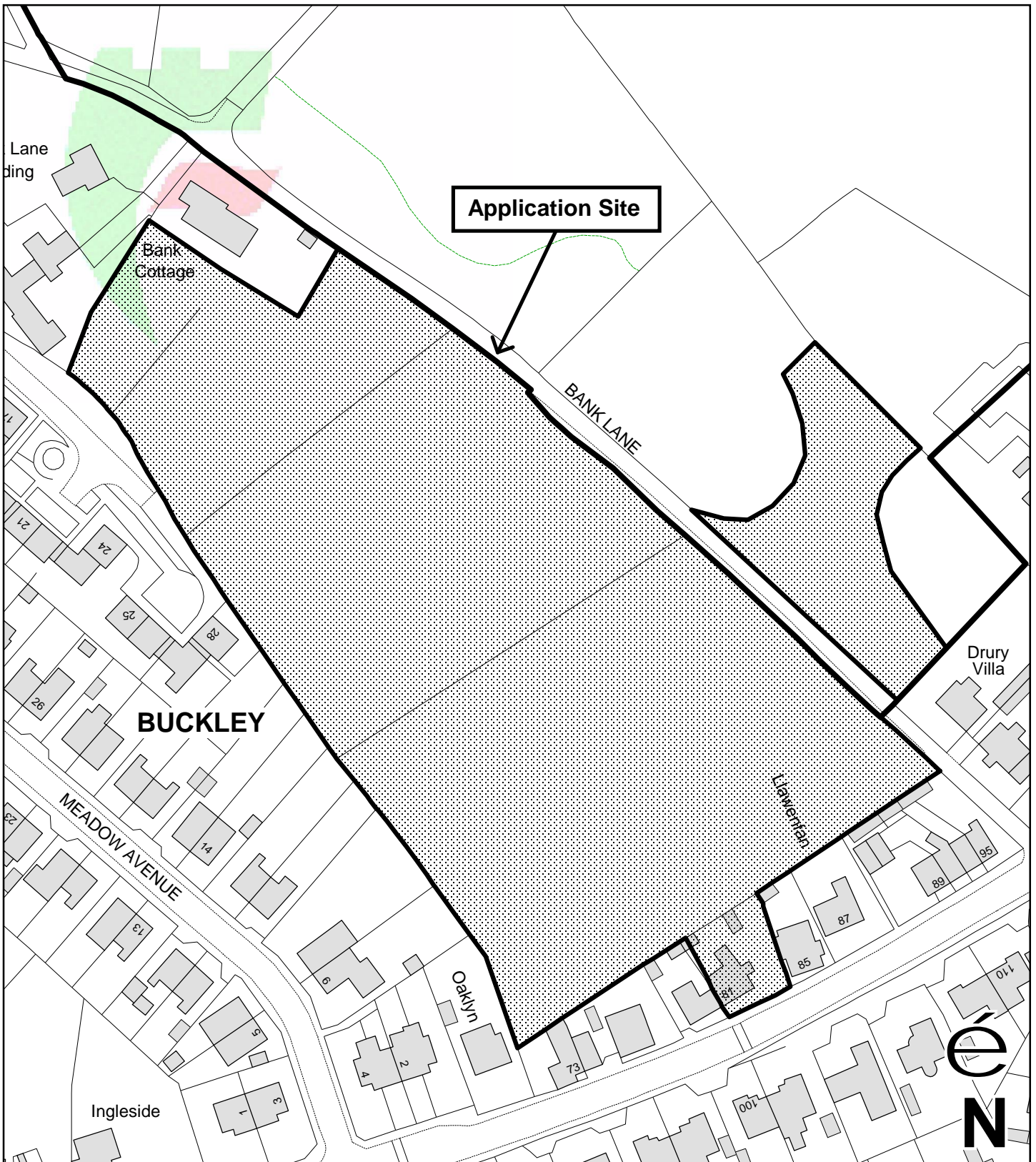
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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



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

**Legend**

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

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Map Scale	1:1250
OS Map ref	SJ 2964
Planning Application	<b>60587</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **5<sup>TH</sup> FEBRUARY 2020**

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

**SUBJECT:** **CHANGE OF USE FROM DWELLING INTO MULTIPLE OCCUPANCY, ALTERATIONS TO FRONT PORCH AND FORM DROP KERBS ACROSS SITE FRONTAGE TO FACILITATE PARKING (PARTLY IN RETROSPECT) AT 24 LARNE DRIVE, BROUGHTON.**

**APPLICATION NUMBER:** **060667**

**APPLICANT:** **MR. C. WALSH**

**SITE:** **24 LARNE DRIVE, BROUGHTON.**

**APPLICATION VALID DATE:** **27<sup>TH</sup> NOVEMBER 2019**

**LOCAL MEMBERS:** **COUNCILLOR B. MULLIN**

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST – CONCERNS DUE TO OVERDEVELOPMENT OF THE PROPERTY**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the change of use of a 3 bedroom house to a 7 bedroom house of multiple occupation. The development also involves alterations to the existing porch and dropping of the kerb to allow on-site parking. The alterations to the porch have taken place, so this aspect is in retrospect. It is considered that the developments are acceptable in Policy terms and will not detrimentally affect the living conditions of adjoining occupiers or those of the proposed occupiers of the building.

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

- 2.01
1. In accordance with approved details.
  2. Parking spaces and dropping of kerb to be completed and available or use prior to the property being brought into use as a HMO and retained as such in perpetuity.
  3. Maximum occupancy to be 7 individuals.
  4. Scheme for bin and recycling storage to be agreed and submitted within 3 months and implemented on first use. Thereafter retained in perpetuity.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor W. Mullin

Major concerns regarding this application. Requests committee determination and a site visit as it is considered overdevelopment of the property.

Broughton & Bretton Community Council

Strongly opposed to the application on the following grounds:-

- Residential street/cul de sac
- Out of character with nature of street.
- Inadequate parking.
- Increase in traffic and noise will impact on residents and safe place to live.
- Strength of opposition against this application, clearly highlights the need for FCC to implement their policy on HMO's.

Highway Development Control

Recommends any permission include suggested conditions and a note to applicant.

Community & Business Protection

No adverse comments to make regarding this proposal.

Airbus

No aerodrome safeguarding objection to the proposals.

**4.00 PUBLICITY**

4.01 Neighbour Notification

50 letters of objection have been received raising the following concerns:-

- Detrimental impact upon living conditions of adjoining occupiers, loss of light and privacy from extensions, increase in noise nuisance due to intensity of use caused by footfall and vehicular traffic.
- Impact upon streetscene. Particular character to this neighbourhood. Many houses altered in this cohesive community, however nothing is radical as this proposal.
- Safe streets and parking important factors and intensity of use will compromise the conditions already prevailing in this cohesive community.
- Proposal will deprive a family of a home.
- Neighbourhood not planned for a transient population but settlers and infrastructure developed in accordance with that idea.
- No requirement for a HMO's in Broughton.
- No space for the increased bin storage on the site.
- No consideration being given to the well-being of the existing residents in the area.
- Alterations to the building have already been completed.
- Discrepancies upon plans regarding porch and parking spaces.
- Not enough space on site for the requisite parking spaces, bin storage, pedestrian access, health & safety regulations etc.
- Size of rooms do not comply with Flintshire County Council's Developer Advice Note September 2018.
- Location of parking spaces, bin and cycle storage areas will have a detrimental impact upon the living conditions of the proposed occupiers.
- Not enough private amenity space for the proposed occupiers.
- Insufficient information for the Local Planning Authority to fully assess the effect of the proposal in relation to the likely number of residents, provision of bin storage, secure cycle parking and the streetscene in terms of car parking.
- Positive and healthy state of affairs which currently exists is likely to change with the intrusion of the HMO and lead to an imbalance in long term households and established families.
- Building work currently taking place already causing nuisance to residents in terms of damage, noise, dust and vermin.
- Change in design as it has changed the footprint of the house and removed all access to the area and does not seem to be very conscious of health and safety issues.
- Due to the increase in the number of vehicles in the area, the potential risk of obstructing emergency vehicles to gain access would be extremely high.
- To comply with SPGN No. 9 the applicant needs to demonstrate and justify how they have arrived at this type of housing in terms of need for this quality and type of tenure.

- Similar proposal allowed in Gladstone Road has set a precedent.
- Reduce house prices in the area.

## **5.00 SITE HISTORY**

- 5.01 060363  
Erection of two storey side extension and single storey extension to rear of dwelling – Granted 15<sup>th</sup> October 2019.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1 – New Development.  
Policy STR8 – Built Environment.  
Policy GEN1 – General Requirements for Development.  
Policy GEN2 – Development Inside Settlement Boundaries.  
Policy D1 – Design Quality, Location & Layout.  
Policy D2 – Design.  
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.  
Policy HSG12 – House Extensions & Alterations.  
Policy AC18 – Parking Provision & New Development.

SPGN No. 1 Extensions & Alterations to Dwellings.  
SPGN No. 2 Space Around Dwellings.  
SPGN No. 11 Parking Standards.

Draft Developer Advice Note – Houses in Multiple Occupation  
September 2018.

### National

Planning Policy Wales Edition 10 December 2018.  
Technical Advice Note (TAN) 11: Noise (1997).  
Technical Advice Note (TAN) 12: Design (2016).  
Technical Advice Note (TAN) 18: Transport (2007).

## **7.00 PLANNING APPRAISAL**

- 7.01 Site Description & Proposals  
The site comprises of the existing semi-detached, two storey dwelling of No. 24 Larne Drive, Broughton. The extensions approved under 060363 are currently being constructed.
- 7.02 This is a full application for the change of use of a 3 bedroom house to a 7 bedroom house of multiple occupation. The development also involve alterations to the existing porch and dropping of the kerb to



allow on-site parking. The alterations to the porch have already been undertaken. This aspect is therefore in retrospect. The proposed HMO will accommodate a maximum of 7 people.

7.03 Issues

The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the effects upon the character and appearance of the area, the highway implications and the effects upon the living conditions of the existing and proposed occupiers.

7.04 Background

Members should be advised that a householder application was submitted under reference 060363 for the erection of a two storey side extension and a single storey rear. This was approved under delegated powers on 15<sup>th</sup> October 2019. It essentially provided extra accommodation at ground floor level with an extra two bedrooms at first floor level. These are presently under construction.

7.05 This current application for conversion to a HMO was subsequently received on 27<sup>th</sup> November 2019.

7.06 Principle of Development

The development is within the settlement boundary for Broughton and is for the residential use of an existing dwelling. The principle of the development is therefore acceptable in planning policy terms as both the existing and proposed uses are residential. A proposal such as this also makes the most efficient and effective use of the existing housing stock in accordance with Policies STR4 and GEN2 of the adopted Flintshire Unitary Development Plan.

7.07 Members may be aware that an advice note has been prepared on HMO's which has yet to be formally adopted. As such it can be considered as a material consideration or an example of good practice, but no significant weight can be attached to it.

7.08 A third party refers to the need for the applicant to justify the proposal as set out in SPG9. SPG9 is an adopted guidance note on 'Affordable Housing' and offers guidance on securing affordable housing as part of larger housing proposals and also provides guidance on small scale affordable housing exceptions. It does not provide guidance on, and is not applicable to HMO's. In taking a broader overview on applications for HMO's there is no guidance in PPW and there is no policy requirement for a 'need' for a HMO to be established. Instead, PPW leaves it to the Local Planning Authorities to control development proposals for this type of housing. However, at local level the Local Housing Market Assessment, which was produced to inform the LDP, has identified that across the County there is a need for small housing units of 1-2 bedrooms. The delivery of one bedroom

units of accommodation therefore meets a legitimate housing need in the County.

7.09 Main Issues

7.10 Character & Appearance

The dwelling is located within a row of similar properties upon a modern residential estate. The extensions currently being constructed have been granted planning permission. The two storey side extension which is currently under construction is of a size, scale and design which was considered to accord with the character and appearance of the existing dwelling and local area in which it is located and to reduce the impact upon the adjoining property in terms of loss of light.

7.11 At the front of the property the existing kerb will be dropped so that an area of hardstanding can accommodate the parking of three cars together with cycle and bin storage. This is not an unusual layout of driveway to the front of a dwelling.

7.12 Given the above, it is considered that the built nature of the proposal will not have a significant detrimental impact upon the character and appearance of the existing dwelling or streetscene in which it is located.

7.13 Impact on the Highway

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

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

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

7.15 Living Conditions

Concerns have been expressed that the proposals would cause noise/disturbance with the extensions also adversely affecting light and privacy upon existing neighbouring occupiers.

- 7.16 Some of these concerns and fears relate to the future occupants of the development. However, consideration of the planning application is based on the land use and not the potential occupants of the dwelling. There are separate regulatory controls outside the remit of planning considerations that tackle persistent noise nuisance or disturbance. Concerns that tenants could cause these problems are not unique to HMOs and there is no evidence to substantiate this is the case. Anti-social behavior could equally apply to other forms of residential occupation. Planning controls are concerned with the use of land rather than the identity of the user.
- 7.17 The land lord would require a separate licence from the Community and Business Protection Service as it is categorised as a large HMO under the relevant Housing legislation. This licencing regime can restrict and limit the number of occupants and set standards for occupation. Community and Business Protection have not raised an objection to the development.
- 7.18 With regard to the extensions having an adverse impact upon the living condition of neighbouring occupiers; in terms of loss of light, the built form of the proposal has already have the benefit of planning permission gained under 060363 and is being constructed in accordance with the approved plans. Indeed, the two storey side extension was reduced in size and scale to prevent any significant loss of light to the adjoining occupier.
- 7.19 Living Condition of Future Occupiers  
In relation to the living conditions of the proposed occupiers of the HMO the smallest proposed bedroom is approximately 8.2 m<sup>2</sup>. The Draft Developer Advice Note advises that the bedrooms should be approximately 10 m<sup>2</sup>. The minimum standard required by Community and Business Protection is 6.5 m<sup>2</sup>.
- 7.20 Given that the Draft Developer Advice Note is not yet adopted and even when adopted is an advisory note the requirement for the room to be 10m<sup>2</sup> holds very little weight in the overall planning balance. As the proposal is in excess of the standard required by Community and Business Protection, it is considered that in relation to bedroom size, this holds greater weight as a material consideration in the overall planning balance and therefore is considered acceptable.
- 7.21 In terms of private amenity space, approximately 63 m<sup>2</sup> is being provided to the rear of the property. The SPGN No. 2 'Space Around Dwellings' Note advises 70 m<sup>2</sup> be provided for a single dwellinghouse and does not define a standard for a HMO. . Given, that this shortfall is only marginally less than required for a single dwelling house and was considered sufficient to serve a 5 bedroom dwelling, it is considered that living conditions of the proposed occupiers in this respect would not be significantly affected.

- 7.22 Concerns have been raised that there is insufficient space on site for bin storage. It is considered that adequate space is being provided within the site and can be retained which is also within 25 m of the pavement.
- 7.23 Other Matters  
Third parties have raised issues that there were discrepancies in the planning application and plans regarding alterations to the porch and the provision of parking spaces. Amended plans have been received which address these issues.
- 7.24 Concerns have also being raised that there is insufficient evidence for the Council to assess the application. The submitted application is a lawful and valid submission which meets the standards of information set out by Welsh Government for considering such proposals.
- 7.25 There is no evidence to support the claim from third parties that the existence of the HMO would cause an imbalance in long term households or adversely affect the well-being of residents. This matter can therefore only attract very limited weight in the overall planning balance.
- 7.26 It is acknowledged that building work may often cause some disturbance however it is considered this is normally for a short period of time and it should be noted that a significant proportion of the exterior construction work has been lawfully undertaken. Any concerns about the Health and Safety of workers on site should be referred to the Health and Safety Executive.
- 7.27 Although a proposal for a HMO was allowed by an appeal considered by the Planning Inspectorate this does not set a precedent. The significant planning consideration is that a dwelling house and a HMO are considered residential uses and therefore both are acceptable in a residential area.
- 7.28 Third parties have also raised concerns about the proposal adversely affecting house prices. Concerns relating to impact upon house prices is not material in the consideration of this proposal.

## **8.00 CONCLUSION**

- 8.01 It is considered that all of the matters in the consideration of this proposal are acceptable and that planning permission should be granted.
- 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.

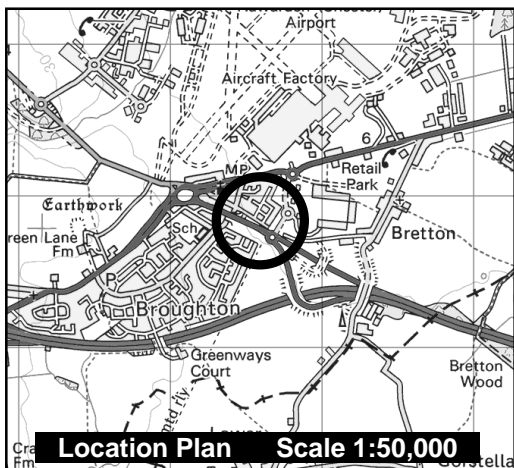
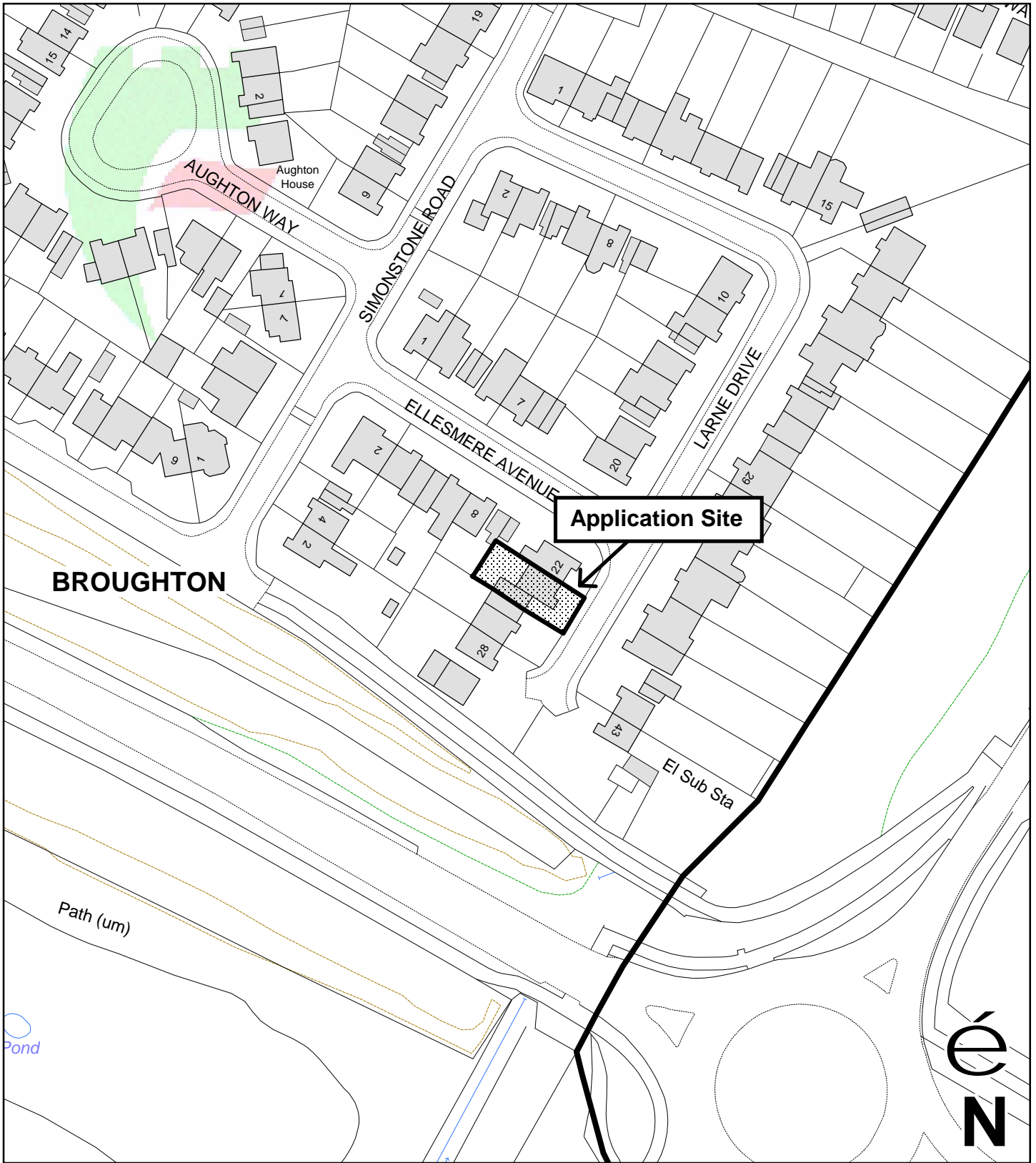
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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

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

**Contact Officer:** Alan Wells  
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**Location Plan Scale 1:50,000**



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3463

Planning Application **60667**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **5<sup>TH</sup> FEBRUARY 2020**

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

**SUBJECT:** **OUTLINE APPLICATION FOR CONSTRUCTION OF TWO SEMI-DETACHED TWO STOREY HOUSES AT 128 MOLD ROAD, BUCKLEY.**

**APPLICATION NUMBER:** **059457**

**APPLICANT:** **MR. A. FRANCO**

**SITE:** **LAND TO REAR OF 128 MOLD ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **28<sup>TH</sup> JANUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR MRS C.A. ELLIS**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST TO ASSESS ADEQUACY OF HIGHWAYS AND IMPACT ON AMENITY OF OCCUPIERS OF EXISTING DWELLINGS**

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

### **1.00 SUMMARY**

1.01 This outline planning application with all matters reserved for subsequent approval, proposes the erection of a pair of 2 storey semi-detached dwellings on land to the rear of 128 Mold Road, Buckley.

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

2.01 That subject to the applicant entering into a Section 106 Obligation or making an advance payment of £1,100 per dwelling in lieu of on-site

recreational provision, that planning permission be granted subject to the following conditions:-

1. Outline – Reserved Matters.
2. Outline – Time Limit.
3. Materials to be submitted and approved.
4. Siting, layout and design of means of access to be in accordance with details to be submitted and approved.
5. Adequate facilities to be provided and retained within the site for the parking and turning of vehicles.
6. No development to commence until land contamination survey has been submitted and approved.
7. Verification works to be completed where necessary prior to occupation of any dwelling.

2.02 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (or outlined above) is not completed within six months of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor Mrs C.A. Ellis

Request site visit and planning committee determination in order to assess the acceptability of development from a highway perspective given the relationship of the site to the existing pelican crossing and on the amenity of occupiers of nearby properties.

Buckley Town Council

No response received at time of preparing report.

Highway Development Control

No objection. Recommend that any permission includes conditions in respect of access, parking/turning and surface water run-off.

Community and Business Protection

No objection subject to the imposition of conditions to secure the submission of a land contamination survey and verification of associated remediation works if necessary, prior to occupation of any dwelling unit.

Welsh Water/Dwr Cymru

Note the proposal for foul flows from the development to be disposed of via the public sewerage system and surface water to be discharged into a soakaway.

#### **4.00 PUBLICITY**

##### 4.01 Site Notice, Neighbour Notification

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

- Inadequacy of access/detrimental impact on highway safety.
- Impact on privacy/amenity of occupiers of existing dwellings.
- Ground Stability.

#### **5.00 SITE HISTORY**

5.01 None relevant.

#### **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 AC13 – Access & Traffic Impact.

Policy 18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Policy HSG8 – Density of Development.

##### Additional Guidance

Planning Policy Wales (PPW) – Edition 10

Supplementary Planning Guidance Note 2 – Space Around Dwellings.

#### **7.00 PLANNING APPRAISAL**

##### 7.01 Introduction

This outline application proposes the erection of a pair of semi-detached dwellings on land to the rear of 128 Mold Road, Buckley. All matters are reserved for subsequent approval.

##### 7.02 Site/Surroundings

The site the subject of this application amounts to approximately 0.7 hectares in area and comprises part of the curtilage area associated with 128 Mold Road (A549) to the north of its junction with Stanley Road. The site is located to the east of an existing cul-de-sac development at Mayfield Mews and a hairdressers operating from 132 Mold Road.

7.03 Proposed Development

Although submitted in outline, with all matters reserved for subsequent approval, indicative sketch plans submitted show the proposed development of 2 No. semi-detached properties to the rear of the existing dwelling at 128 Mold Road. Whilst this property has an existing access (to be retained as part of the development), vehicular access to serve the new development would be obtained from a new driveway located between the existing dwelling and 132 Mold Road, It is proposed that the dwellings would be 2 storey in height, the parameters for each unit being 5 m x 8.4 m x 7.5 m (high).

7.04 Main Planning Considerations

It is considered that the main issues to be taken into account in determination of this application are:-

- i. The principle of development
- ii. Adequacy of highways.
- iii. The impact on the character of the surrounding area.
- iv. Impact on living conditions of occupiers of existing/proposed dwellings.

7.05 In commenting in detail in response to the Main Planning Considerations outlined above, I wish to advise as follows:-

7.06 Planning Policy/Principle

The site is located within the settlement boundary of Buckley a Category A settlement as defined in the Flintshire Unitary Development Plan. In such locations the principle of development for general market housing is supported, subject to the safeguarding of relevant development management considerations.

7.07 The application site comprises the rear curtilage of an existing dwelling and would constitute the erection of dwellings to the rear of existing development which fronts onto Mold Road. The definition of whether the site comprises tandem development is an important consideration in determination of the application. The proposed development however retains the existing access to serve the existing dwelling and proposes a new access alongside the property. The acceptability of the development must be considered having regard to the main planning considerations listed in paragraph 7.04 of this report.

7.08 Adequacy of Access

Whilst the objections to the development on highway grounds are duly noted, consultation on the application has been undertaken with the Highway Development Control Manager. As a result no objection to the proposed development at this location is raised subject to the imposition of conditions relating to access, parking and turning and surface water run-off.

7.09 Impact on Character and Appearance

The area is characterised by a mix of detached, semi-detached and terrace units utilising different construction materials including facing brick and render. There is also a development of 13 No. 2 storey dwellings adjacent to the site's western boundary which focusses development around a cul-de-sac at Mayfield Mews accessed from the west of 132 Mold Road. Development to the rear of 128 Mold Road would not only be read in relation to the frontage development at this location but viewed against the context of the existing cul-de-sac development. The layout of development is similar to surrounding pattern and density of nearby dwellings. It is therefore considered the development within this urban environment would not represent overdevelopment and no adverse impact on the character and appearance of the area.

7.10 Impact on Living Conditions of Occupiers of Existing/Proposed Dwellings

Although submitted in outline, indicative plans submitted as part of the application illustrate the development of a pair of semi-detached dwellings accessed of a central turning head arrangement within the site. Of fundamental importance is ensuring that as part of any development that the living conditions of occupiers of existing/proposed dwelling are safeguarded as part of the development.

7.11 Whilst limited weight is to be attached to the indicative layout plan submitted, it does show that it is possible to develop the site to provide for a separation distance between the rear of 128 Mold Road and the frontage of the units of approximately 26 m. Both semi-detached units would also have garden depths of approximately 11 m and 128 Mold Road would retain a garden depth of approximately 10m.

7.12 The orientation of the dwellings on Nos 2, 4, 6 & 8 of Mayfield Mews is such that the habitable rooms in the rear elevations are parallel to and within approximately 6 m of the common site boundary within the application site. The occupiers of these existing dwellings are adjacent to and currently have views into the rear curtilage of the existing property. The indicative layout produced, indicate that it would be possible to develop the site with no direct interface distances with the proposed units and those existing units which would back onto the access and associated turning head serving the proposed development.

7.13 Nos 10 & 12 Mayfield Court occupy corner plots within the cul de-sac development, at an approximate 45 deg angle to the common site boundary, their closest points being within approximately 9m. The proposed units as shown on the illustrative layout can be sited to ensure that there is no direct interface relationship between the units adjacent to the site boundary. The relationship between the proposed

and all existing dwellings as referenced above would be acceptable in accord with Supplementary Planning Guidance Note 2 (SPGN2) – Space Around Dwellings.

7.14 Other Considerations

Whilst the concern/objection relating to ground stability is noted, this is an issue which would be addressed from a building control perspective during the construction phase of the development in the event of permission being granted.

8.00 **CONCLUSION**

Whilst the objections to the development are duly noted, it is considered that the site is physically capable of accommodating a pair of semi-detached dwellings, whilst maintaining adequate separation distances between the existing and proposed dwellings having regard to SPGN2 – Space Around Dwellings. The scale of development is in my view reflective and sympathetic to the character of existing development in proximity to the site and there is no objection from the Highway Development Control Manager. It is therefore recommended accordingly.

8.01 Other Considerations

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

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

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

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

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

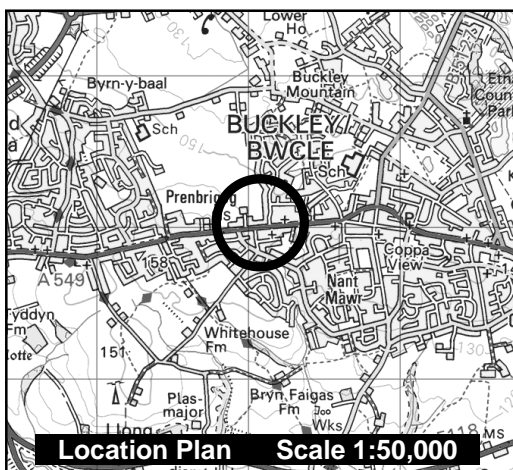
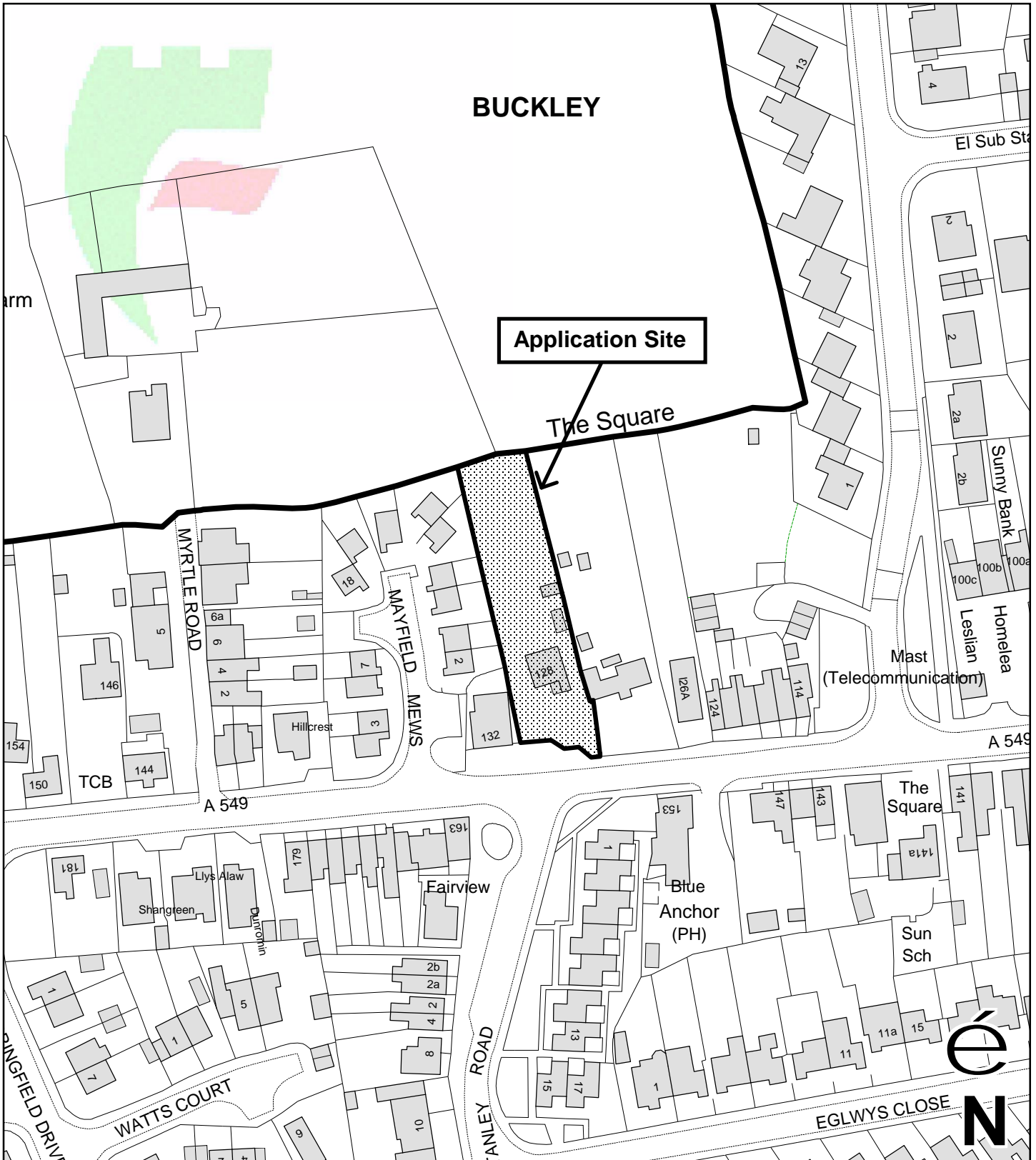
Responses to Consultation

Responses to Publicity

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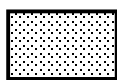
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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **59457**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **5<sup>TH</sup> FEBRUARY 2020**

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

**SUBJECT:** **FULL APPLICATION – CONVERSION OF REDUNDANT RESTAURANT/BAR INTO 13 NO. FLATS/APARTMENTS AT 14 MILL LANE, BUCKLEY**

**APPLICATION NUMBER:** **060374**

**APPLICANT:** **MR R BRAITCH**

**SITE:** **14 MILL LANE. BUCKLEY**

**APPLICATION VALID DATE:** **19<sup>TH</sup> AUGUST 2019**

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

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

**REASON FOR COMMITTEE:** **SIZE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the conversion of a former restaurant/bar into 13 no. apartments at 14 Mill Lane, Buckley.
- 1.02 Members will be aware that this item was deferred from the Planning Committee of the 8<sup>th</sup> January 2020 on the advice of the Chief Officer after it became apparent that an incorrect certificate of ownership had been served with the submission. This has now been rectified and the correct notices served. Members also suggested that the opportunity was taken by officers to work with the developer to secure the provision of a footpath alongside the access road.

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

- 2.01 That conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation to provide the following:

Payment of £733 per apartment in lieu of on-site public open space provision. The off-site contribution would be used to enhance existing public open space in the community; namely Higher Common Play area.

Conditions

1. Time Limit
2. Approved plans
3. Materials
4. Details of bin and recycling and bicycle storage area
5. Construction Traffic Management Plan
6. Details of footway

**3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor M J Peers

Requests committee determination and site visit due to highway issues, parking issues, road safety issues and access issues.

Preliminary views as follows;(including forwarding views from residents of Millers Court;

- a) Plans show doorways in the side of the Windmill property facing Millers Court. These doors open out directly onto the roadway and into passing traffic. A kerbed pathway may be necessary to avoid conflict. Meeting requested with streetscene to discuss. (resident raise further concerns)
- b) Highways issues for the refuse and recycling vehicle. Concerns over bin storage facilities.
- c) Suggestion to re-configure the plans to incorporate internal corridor to alleviate the problem of a).
- d) Parking restrictions should be implemented to prevent car parking alongside the Windmill Bar and Grill to prevent the road being blocked and access by emergency services unrestricted.
- e) Concern over the potential number of vehicles related to the proposals. Adequate parking must be included. See also d).
- f) My suggestion would be valid if the road is of adopted standard. Requires clarification. The reference to Buckley Town Council receiving parking fine revenue is incorrect.

- g) Provides evidence that keeping the road clear alongside the Windmill Bar and Grill ensures unhindered access by the emergency services.

#### Buckley Town Council

Raise the following issues:

- The interests and environment of the residents of Millers Court should be protected and the development should have no adverse effect upon them.
- The flats/apartments appear to be too small, with limited parking and no provision for children to play outside.
- The development, if approved, will limit the town centres regeneration as it is an example of the loss of commercial properties within the town centre.
- There is indicated only one parking space per flat. This is below the standard required.
- The comparators used in the planning application are not equitable and refer to much larger urban conservation.
- It is acknowledged that the development will assist the need for social housing in the town.
- During the building of the development, if approved, there will be considerable environmental concerns in respect of access and egress to the site.

#### Highways Development Control

No objection to the proposal

#### Community and Business Protection

No adverse comments

#### Aura

In accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per house/dwelling and £733 per apartment in lieu of onsite POS. The payment would be used to improve teenage provision at Higher Common Play Area. Aura have confirmed that the pooled contributions thresholds have not been exceeded with regards to Higher Common Play Area.

#### Education

I can confirm that Westwood CP School is the closest primary school and Elfed High School is the closest secondary school to the development.

I can also confirm that the development will not generate a Section 106 contribution for either school as the capacity trigger has not been reached.

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site Notice, Neighbour Notification

1 Letter of Objection received

- Site boundary shown encroaching over land belonging to the residents of Millers Court

#### **5.00 SITE HISTORY**

5.01 047608- Change of use of residential accommodation on first floor to offices- Approved 16/09/2010

047607- Change of use of ground floor at rear of property to be used as a day care facility with bathing area on first floor including installation of passenger lift Approved 16/09/2010

#### **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 and Layout
Policy D2	-	Design
Policy D3	-	Landscaping
Policy HSG3	-	Housing on Unallocated Sites Within Settlement Boundaries
Policy HSG8	-	Density of Development
Policy AC13	-	Access and Traffic Impact
Policy AC18	-	Parking Provision & New Development

##### **Local/Supplementary Planning Guidance Notes**

SPGN2	-	Space Around Dwellings
LPGN 11	-	Parking Standards

##### **National Planning Policy**

Planning Policy Wales 10<sup>th</sup> Edition – December 2018 (PPW10)

#### **7.00 PLANNING APPRAISAL**

##### 7.01 Site

The proposed development is the change of use of the 'Windmill', 14 Mill Lane, Buckley to 1 and 2 bedroom residential apartments. The

proposal is for the conversion of the building into 13 no. apartments, 11 of which would be 2-bedroom with 2 no. 1-bedroom apartments.

7.02 The site is a former restaurant and function room which has more recently operated as a day care facility for the elderly.

7.03 Principle

The site is located within the settlement boundary for Buckley, a category A settlement, as identified within the Flintshire Unitary Development Plan, but outside of the core retail area. Therefore as the conversion does not create tandem development or overdevelopment, does not conflict with the aims of the UDP and otherwise complies with the principles of GEN 3 it is considered acceptable to convert this non-residential buildings to residential, in accordance with policy HSG3.

7.04 The Town Council have raised concerns regarding the impact that losing a commercial property may have to the regeneration of the town. There is no local planning policy context to preclude this development as it lies outside core retail area and relates to a commercial use rather than an A1 retail use. This proposal provides a range of housing within easy reach of the town centre and it is likely that residents will utilise the town centre for their shopping needs. During the pre-application consultation process it is noted that a local business owner supported the principle of the proposal on this basis.

7.05 The Buckley Masterplan contains no specific proposals for Mill Lane but notes that it contains a mix of residential and secondary commercial land uses. PPW10 recognises that retail and commercial centres provide a range of shopping, commercial, leisure, employment and education facilities as well as civic identity and social interaction. PPW10 stresses that opportunities to live in these centres, combined with their good public transport links, make them the most sustainable places. In this context, PPW10 advises that 'policies should encourage a diversity of uses in centres' and refers to encouraging, where appropriate, residential development to promote lively centres during both the day and the evening.

7.06 Main Issues

The main issues to consider are highways issues surrounding access and parking provision, and the living conditions of residents and neighbours.

7.07 Highway matters

There are no proposed changes to the existing access. This access point currently serves the Windmill in its existing use, as well as providing access to the properties at Millers Court, and the rear of a number of properties on Brunswick Avenue, which are commercial units with flats above.

- 7.08 The site has a large parking area to the rear of the property which served both the restaurant and later, the care facility. The parking area is served by an existing access which also provides access to parking to the rear of the Millers Court properties. The proposal provides for 13 no. parking spaces as well as 3 no. visitor spaces.
- 7.09 As such the parking provision provided 4 spaces below the SPGN 11- Parking Standards has a maximum requirement for such development of 1 space per unit together with 1 space per 2 units for visitors. It should be noted that the SPGN sets a maximum not a minimum standard.
- 7.10 The Agent has supplied Trip generation data for the existing use of the site. It is considered that highways activity for the existing use has the potential to generate significantly greater volumes of traffic than the proposed apartments. As such Highways Development Control have raised no objection to the proposal. The site is also well located in a town centre location with travel options close to hand which would allow a relaxation of the parking standards.
- 7.11 The proposal includes the introduction of a 1 metre wide raised footway to allow for residents exiting the properties to be able to safely leave the property without stepping onto the access road. The location of this footway has been indicated on the plans, although I consider it appropriate to require the full details of this development to be submitted for approval, and for the work to be undertaken prior to the first occupation of the apartments.
- 7.12 The applicant has indicated their desire to affix signage to the exterior wall of the property adjacent to the access prohibiting the parking of vehicles in this area. As this is a private access this is not a requirement from the Highways Authority, but part of the applicants intention to manage the use of this area by traffic associated with the development. I do not consider that this is something which could lawfully be conditioned as it is not necessary for Planning approval to be granted.
- 7.13 Following Highways advice I consider the access and parking provided by the proposal to be adequate for the development proposed.
- 7.14 Local and resident living conditions  
The existing building has sporadic fenestration on its southern elevation. In order to allow natural light into the apartments, as well as to allow means of escape from the building, windows are to be introduced into this elevation.
- 7.15 At its western extent this elevation is blank and faces a blank flank wall for no. 12 Mill Lane. At the eastern section of this elevation the property faces the rear of a commercial property on Brunswick road



over 30 metres away. The windows in these sections of the conversion would not give rise to any concerns over privacy or residential amenity and the development is in accordance with

- 7.16 In the middle section of the building the new fenestration in the southern elevation faces properties 1-5 Millers court. The distance between windows in this location is approximately 12.5 metres, facing across the access to the rear car park. SPGN2- Space Around Dwellings seeks a 22 metre interface where you have a direct interface between windows of two habitable rooms. Whilst a number of the windows, both in the proposed conversion and the Millers court properties, serve Kitchens (not considered to be habitable rooms) there are also windows serving Lounges and bedrooms, which are habitable. As a result the applicant has designed the conversion with windows deliberately offset from those facing them so as to avoid direct overlooking.
- 7.17 It should be noted that Millers Court has a rear to rear interface with the Brunswick road properties of approximately 12 metres. This includes direct window to window interface between the first floor accommodations.
- 7.18 Policy HGS8 of the Flintshire Unitary Development Plan requires new development to reflect the characteristics of the site and surrounding areas. Given the pattern of development in the vicinity I consider that the interface between the new fenestration and the properties at Millers Court to be acceptable, particularly as the conversion has been designed to be as sensitive to this issue as it can be, placing the new windows at oblique angles to those they would otherwise be facing. This alleviates any particular concern surrounding the window interfaces.
- 7.19 There is no amenity space associated with the apartments, but given the town centre location and the type of accommodation provided this is not unexpected. The site is located a walkable distance away from the public open space and play area at Buckley Higher Common where the developer will make a contribution for teenage provision, as well as the skate park at Hawkesbury.
- 7.20 Design  
Part of the proposal involves alterations to the roof of the building. The current roof of the building has a variety of various roof slopes and the proposal will rationalise this with a single, cohesive pitched roof, which follows the height and pitch of the highest part of the existing roof. The roof alterations improve the appearance of the building. Taken together with the new fenestration the converted building respects the scale of the surrounding development and makes the best use of land. The changes will create a positive and attractive building which will protect the character and amenity of the

locality and add to the quality of the area. The proposal is therefore considered to broadly comply with UDP Policies D1 and D2.

7.21

Planning Obligations

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'.

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.

7.22

As both primary and secondary schools have sufficient capacity a S106 contribution will not be required.

7.23

However, as no Public Open Space (POS) provision is provided on site by the development. In accordance with Planning Guidance Note 13- Public Open Space provision, it is considered that the Council should seek commuted sum payment in lieu of on-site provision, which would enhance existing POS in the community in accordance with the SPGN it is considered that a fee of £733 per apartment is appropriate.

7.24

Aura have advised that the payment would be used to improve teenage provision at Higher Common Play Area. It has been confirmed that the pooled contributions thresholds have not been exceeded with regards to Higher Common Play Area.

7.25

It is considered that these contributions comply with the requirements of section 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

7.26

Other Matters

Concerns have been raised regarding bedrooms without windows. Although it is acknowledged that this is not an ideal scenario a conversion of an unusually shaped existing building such as this often present challenges. It is considered that each large living and principal bedroom has a sufficient outlook. In terms of ventilating these rooms this can be achieved through mechanical ventilation.

7.27

Regarding potential means of escape there are measures which will be required through building regulations, such as the formation of

protected routes and requirement of mains operated smoke detectors in each room which would ensure the safe evacuation in the event of a fire. As such matters are controlled by a separate regulatory process this can only attract very minor weight in the overall planning balance.

- 7.28 With regards to collection of waste streetscene have confirmed that currently collection crews reverse down the side of the existing building to collect waste from the properties at the rear. It is not proposed to differ from this existing arrangements. As the proposal would not require a different service from the existing arrangement it is considered would attract very minor weight in the overall planning balance.

Whilst this application is below the policy threshold for affordable housing, and therefore Housing have not been consulted formally on the proposal, the developer has approached the Housing Solutions team and was interested in working with them to provide accommodation for people in housing need. As such Housing have put forward their support for the proposal and its aims of providing much needed good quality, private rented accommodation in Buckley.

The Community Council has raised concerns that the proposed flats seem too small. The Council does not have a minimum room size policy or guidance and therefore it would be difficult to substantiate a refusal on this basis. However, it is clear that the room sizes appear to be comparable with standard housing and flat layouts received by the Council.

A query has been raised regarding land ownership, and the application area infringing on areas in the ownership of owners of Millers court. The applicant has now submitted the required Certificate B, with the relevant notice served on other parties with an interest in the application land. The granting of planning permission does not invalidate any legal rights that may exist on the land. I do not consider this to be material to the determination of the planning application.

## **8.00 CONCLUSION**

Given the location of the development, and with due regard to the relevant planning policies and to considerations of sustainability this site is considered to be an appropriate location for this form of development and I recommend accordingly.

### **8.01 Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no

significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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

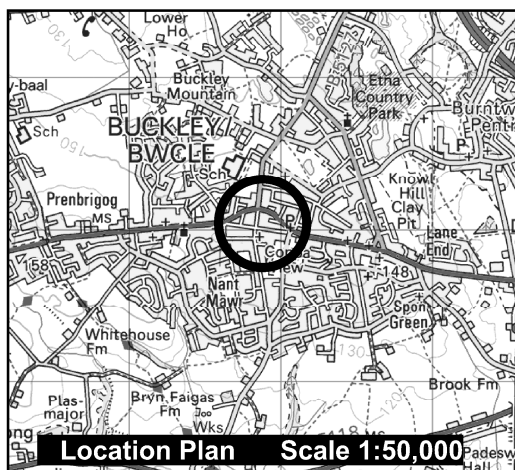
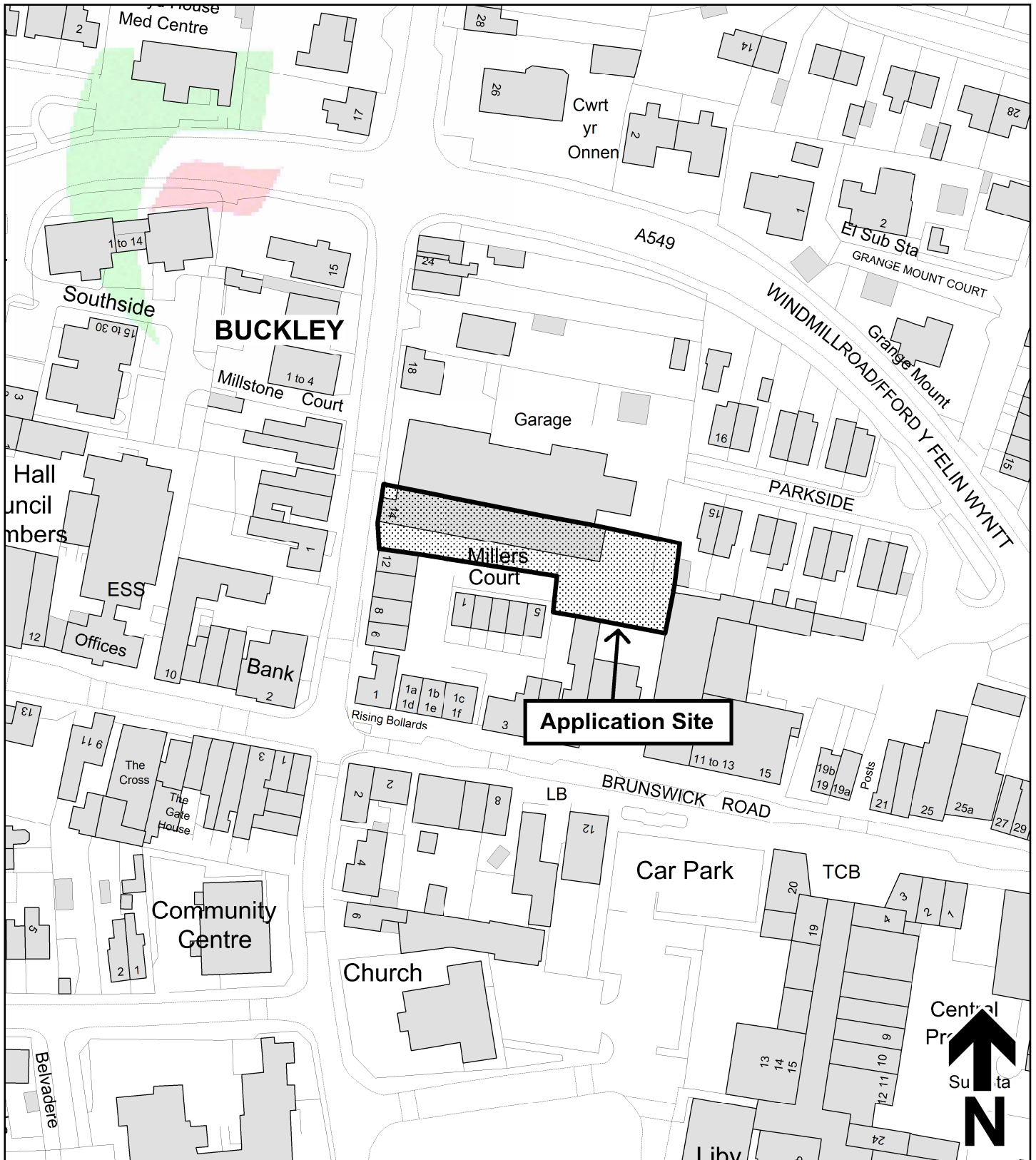
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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

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

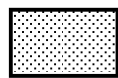
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Planning, Environment & Economy,  
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Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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OS Map ref SJ 2764

Planning Application **60374**



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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **5<sup>TH</sup> FEBRUARY 2020**

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

**SUBJECT:** **GENERAL MATTERS - PROPOSED VARIATION TO SECTION 106 AGREEMENT - ISSA FARM, BRYN ROAD, BYRN Y BAAL, MOLD**

### **1.00 APPLICATION NUMBER**

1.01 059026

### **2.00 APPLICANT**

2.01 Macbryde Homes

### **3.00 SITE**

3.01 Issa Farm, Bryn Road, Bryn y Baal, Mold.

### **4.00 APPLICATION VALID DATE**

4.01 N/A

### **5.00 PURPOSE OF REPORT**

5.01 To seek authority to vary the Section 106 Agreement dated the 24<sup>th</sup> April 2019 ("the Section 106 Agreement") in respect of the affordable housing provision on the site.

### **6.00 REPORT**

6.01 Planning permission was granted in April 2019 for the erection of fifty nine (No.59) dwellings with associated works. The planning permission was granted subject to the Section 106 Agreement which, amongst other matters, required the provision of eighteen (no. 18) affordable houses on the site (constituting 30% provision). Those dwellings were to be delivered as affordable home ownership dwellings, sold at 70% of their Open Market Value to designated

persons on the Affordable Housing Register.

- 6.02 However, there has not been a high enough demand of those wishing to purchase all eighteen of the affordable dwellings, whilst there is demand for affordable rental dwellings. Accordingly, the developers have agreed, in discussion with Housing Strategy, that the mix in the type of affordable dwellings to be delivered on the site under the Section 106 Agreement may be varied. Housing Strategy consider that the new mix of affordable dwellings should comprise nine (no. 9) affordable rental dwellings and nine (no. 9) affordable home ownership dwellings, as this mix should avoid any of the affordable dwellings being lost to the open market.
- 6.03 There is a need to vary the terms of the Section 106 Agreement to provide for the affordable housing mix referred to in paragraph 6.02 above and the nine affordable rental dwellings can then be subsequently transferred to either a Registered Social Landlord or to NEW Homes to manage as affordable rental dwellings.

## **7.00 RECOMMENDATIONS**

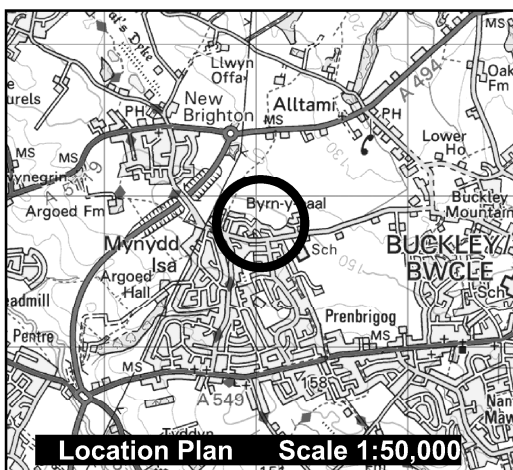
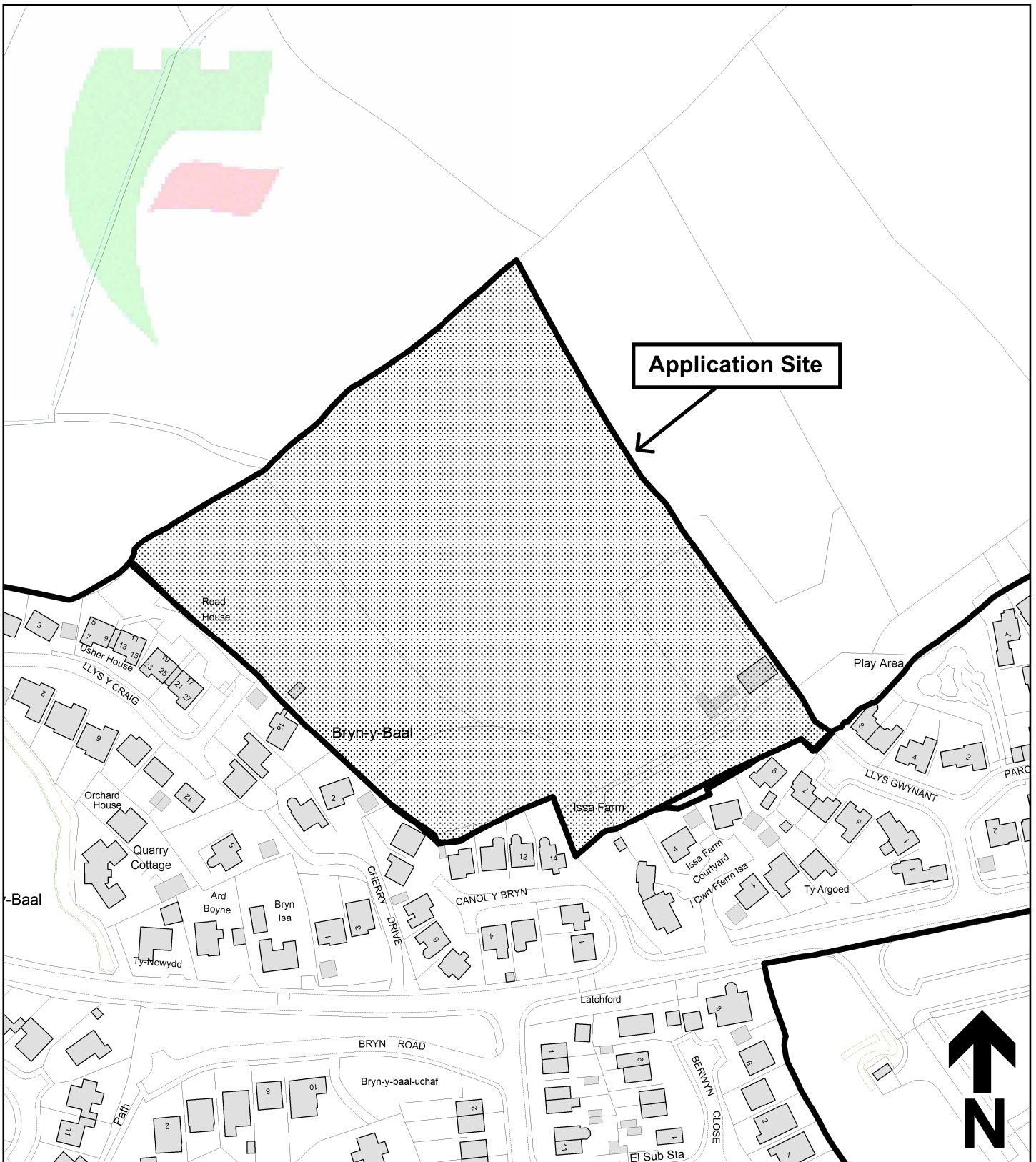
- 7.01 That the Section 106 Agreement is varied to provide for nine affordable home ownership dwellings and nine affordable rental dwellings.

### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
The Section 106 Agreement

**Contact Officer:** Lesley Bassett  
**Housing Strategy**  
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**Email:** Lesley.bassett@flintshire.gov.uk





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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application	<b>59026</b>
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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **8<sup>TH</sup> JANUARY 2020**

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

**SUBJECT:** **APPEAL BY SANDRA ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN OUTLINE APPLICATION FOR THE ERECTION OF A 4 BEDROOMED DETACHED DWELLING AT THE OLD TOLL COTTAGE, WHITFORD ROAD, WHITFORD.**

**1.00 APPLICATION NUMBER**

1.01 059673

**2.00 SITE**

2.01 The Old Toll Cottage,  
Whitford Road, Whitford.

**3.00 APPLICATION VALID DATE**

3.01 20<sup>th</sup> September 2018

**4.00 PURPOSE OF REPORT**

4.01 To inform Members of a decision in respect of an appeal, following the Local Planning Authority decision to refuse to grant planning permission in outline for the erection of a dwelling at Land diagonally opposite The Toll gate Cottage, Whitford Road, Whitford, Nr Holywell, Flintshire, CH8 9AF

The appointed Planning Inspector was Sian Worden. The appeal was determined via written representation and was **DISMISSED**.

**5.00 REPORT**

5.01 The application was in outline with all matters reserved for later determination. The Inspector identified the main issues in this case as the effect of the proposal, on the on the open countryside; and on highway safety.

- 5.02 In terms of the proposals impact the appeal site forms a triangular plot of land at a crossroads. While other buildings and houses can be seen from the site, including the church and developed edge of the village of Gorsedd, the setting is rural with much of the surrounding land being in agricultural use. The proposal, which is in outline, is for a four bedroomed two storey dwelling on the site.
- 5.03 Despite being beyond its end date of 2015, the Inspector noted that the Flintshire Unitary Development Plan, still remained the development plan for the area. The appeal site is not within a settlement boundary delineated in the UDP and is thus classed as being in the open countryside.
- 5.04 Policy ST1 states that new development will generally be located within existing settlement boundaries and Planning Policy Wales (PPW) specifies that new building in the open countryside must continue to be strictly controlled<sup>1</sup>. Policy HSG4 only permits the construction of new dwellings in such locations where they are essential to house a farm or forestry worker who must live at or very close to their place of work. The proposed dwelling would not meet these criteria, contrary to UDP Policies STR1, HSG4 and PPW.
- 5.05 The Inspector then noted that Policy GEN3 also deals with development in the open countryside. He identified a number of exceptions to the general constraint including the conversion, extension and reuse of buildings; replacement dwellings; small scale infill development of one or two housing units; and development where it is essential to have an open countryside location.
- 5.06 Policy HSG5 provides detail on potential infill development. As well as meeting a proven local housing need it should be located in a small gap within a clearly identifiable small group of houses within a continuously developed frontage. The development proposed here would not be one of these exceptions nor comply with the stipulations of either Policy GEN3 or HSG5.
- 5.07 The Inspector noted that the purpose of restricting development in the open countryside is to protect it from unsustainable development and preserve its rural character. He saw no evidence that the site is within easy reach of everyday services and facilities such as shops, schools, health provision or public transport. Contrary to these objectives, therefore, the erection of a new dwelling in the location proposed would result in more car trips to and from the site. The dwelling together with domestic activities and paraphernalia, the proposal would erode the character of the countryside. Given this, the proposed development was contrary to Policies STR1, GEN3, HSG4 and HSG5 and harmful to the open countryside.

5.08 Turning to the highway issue visibility at the access falls well short of the necessary distances required. The Inspector noted as suggested by the highways officer, further information on existing vehicular movements at the site and a speed survey might demonstrate that the proposed development would not be harmful to highway safety.

## **6.00 CONCLUSION**

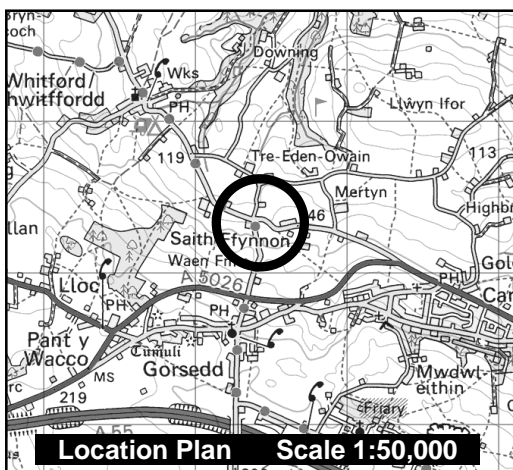
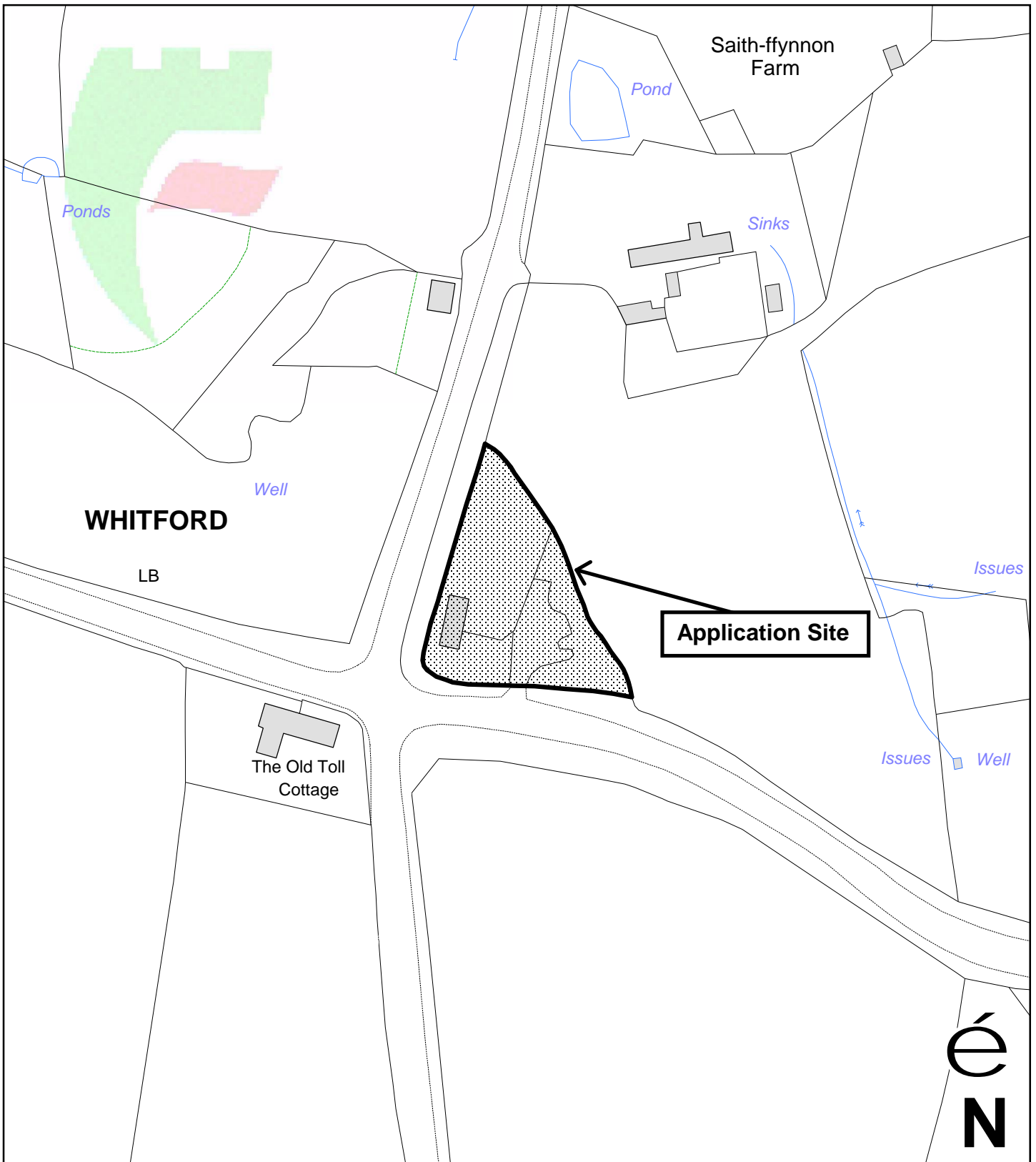
6.01 The Inspector found no evidence that the proposed development would be detrimental to highway safety. He noted that the site had a brownfield status, clearly it would be harmful to the open countryside if developed. The Inspector noted that this reason in itself justified refusing the proposed development

### **LIST OF BACKGROUND DOCUMENTS**

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



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 Chief Officer: Mr Andrew Farrow

**Legend**

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

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