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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

31 October 2019

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

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 6TH NOVEMBER, 2019** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

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

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

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AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 12)

To confirm as a correct record the minutes of the meeting held on 2 October 2019.

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 6 NOVEMBER 2019

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	060292 - R	Full Application - Redevelopment of Plas Ifan Hotel to 24 Residential Dwellings and Associated Infrastructure at Plas Ifan Hotel, Northop Hall. (Pages 13 - 36)
6.2	060131 - A	Amendment to Plot 36 - Provision of Sun Room at 2 Ffordd Yr Hydref, Mold (Pages 37 - 44)

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PLANNING COMMITTEE **2 OCTOBER 2019**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 2 October 2019

PRESENT: Councillor David Wisinger (Chairman)

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

APOLOGIES: Councillors: Bernie Attridge, Ian Dunbar and Dave Hughes

ALSO PRESENT: The following attended as local Members:

Councillor Dennis Hutchinson - for Agenda Item 6.1 (060160)

Councillor Haydn Bateman - for Agenda Items 6.2 (058968), 6.3 (060131) and 6.5 (060270)

Councillor David Williams - for Agenda Item 6.6 (060319)

Councillors Cindy Hinds and Paul Johnson were present as observers

IN ATTENDANCE:

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

26. DECLARATIONS OF INTEREST

Having declared a personal and prejudicial interest on agenda item 6.1 (060160), Councillor Dennis Hutchinson indicated that he would not be speaking and would leave the meeting before that item. The Senior Solicitor explained that Councillor Hutchinson's interest was due to land in his ownership being near the application site and his role as Governor of a school that would benefit from an education financial contribution if permission was granted by the Committee.

On agenda item 6.3 (060131), Councillor Owen Thomas declared a personal and prejudicial interest as a family member had objected to the application. He would therefore leave the room prior to the debate and vote on that item.

27. LATE OBSERVATIONS

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

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MIId=4502&LLL=0>

28. MINUTES

The draft minutes of the meeting on 4 September 2019 were submitted and confirmed as a correct record.

RESOLVED:

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

29. ITEMS TO BE DEFERRED

No items were recommended for deferral.

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

RESOLVED:

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

31. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 12 members of the public in attendance.

(The meeting started at 1.00pm and ended at 3.15pm)

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Chairman

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PLANNING COMMITTEE ON 2 OCTOBER 2019

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
060160	Buckley Town Council	Outline application for the demolition of 81 Drury Lane and erection of 66 No. dwellings at 81 Drury Lane, Buckley.	Mr. Keig spoke against the application.	That planning permission be refused in accordance with the officer recommendation.
058968	Mold Town Council	Full Application – Residential development of 20 No. apartments at Park House, Broncoed Business Park, Mold.	Councillor H. Bateman, as Local Member, spoke in support of the application. He asked to be kept informed on the agreed change to Condition 5.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions in the report, in accordance with the officer recommendation, with enhanced landscaping scheme in Condition 5 to reduce the impact on privacy/amenity.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
060131	Mold Town Council	Amendment to Plot 36 – Provision of Sun Room at 2 Ffordd Yr Hydref, Mold.	<p>Having declared a personal and prejudicial interest, Councillor Thomas did not speak on the item and left the room prior to the debate, returning after the Committee had determined the application.</p> <p>Mrs. A. Edwards spoke against the application.</p> <p>Councillor H. Bateman, as Local Member, spoke against the application.</p>	That the item be deferred to consider alternative options to mitigate overlooking.
059663	Holywell Council	Full Application – Repair and refurbishment of vacant historic (listed) former hospital buildings, with associated new build house/apartments to create a total of 89 dwellings at Llesty Hospital, Old Chester Road, Holywell.	Mr. G. Prescott (agent) 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.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
060270	Mold Town Council	Full Application - Construction of Extension to an Existing Industrial Building (Use Class B2), Together with Associated Landscaping, Service Yard and Drainage Infrastructure at Smurfit Kappa, Maes Gwern, Mold Business Park, Mold.	Mr. K. Webster (agent) spoke in support of the application. Councillor H. Bateman, as Local Member, spoke in support of the application.	That, in line with the officer recommendation, delegated authority be given to the Chief Officer (Planning, Environment and Economy) to grant planning permission, subject to the conditions in the report and the additional condition on restricting noise levels set out in the late observations.
060319	Penyffordd Community Council	Outline Application for Residential Development at Land East of Vounog Hill, Penyffordd.	Councillor D. Williams, as local Member) spoke against the application.	That planning permission be refused in accordance with the officer recommendation.
059862	Flint Town Council	Full Application - Installation and operation of a 2MW ground mounted solar farm and the associated infrastructure, including: battery storage, substation, inverter/transformer units, security measures and access track at Flint Landfill Site, Castle Park, Flint.		That planning permission be granted subject to the conditions set out in the report and in accordance with the officer recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
APPEAL			NOTED	
058874		Appeal by Ms N. Young against the decision of Flintshire County Council to refuse planning permission for the approval of details reserved by condition Nos 17 (method statement for the repair of the roof) and 20 (proposed insulation) attached to planning permission ref: 057421 at Pen y Cefn Farm, Rhydymwyn - DISMISSED.		
059124		Appeal by Mr. S. Lloyd against the decision of Flintshire County Council to refuse planning permission for demolition of existing dwelling and erection of 3 No. town houses and garage and construction of new vehicular access at Parkfield, Llanasa Road, Gronant - ALLOWED.		

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
059047		Appeal by Mr. I. Thomas against the decision of Flintshire County Council to refuse planning permission for the outline application for the erection of a detached bungalow at 10 Higher Common Road, Buckley - DISMISSED.	In response to a query by Councillor Peers, officers agreed to provide the Committee with a copy of the Inspector's decision in full.	

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 6 NOVEMBER 2019**

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

SUBJECT: **FULL APPLICATION - REDEVELOPMENT OF PLAS IFAN HOTEL TO 24 RESIDENTIAL DWELLINGS AND ASSOCIATED INFRASTRUCTURE AT PLAS IFAN HOTEL, NORTHOP HALL.**

APPLICATION NUMBER: **060292**

APPLICANT: **BOD HOTELS LTD. & CCA LAND LTD.**

SITE: **PLAS IFAN HOTEL, NORTHOP HALL**

APPLICATION VALID DATE: **24 JULY 2019**

LOCAL MEMBERS: **COUNCILLOR L A SHARPS**

TOWN/COMMUNITY COUNCIL: **NORTHOP HALL COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **DEPARTURE FROM THE DEVELOPMENT PLAN AND SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for the demolition of the Plas Ifan Hotel to facilitate the development of 24 no. dwellings and associated infrastructure on land at Plas Ifan Hotel, Northop Hall. As the site is outside the settlement boundary of Northop Hall, the application has been advertised as a departure from the Development Plan.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. It is considered that there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Northop Hall. In the absence of the evidence of need, and in light of the satisfactory levels of residential housing completions, commitments and allocations as set out in the planned housing trajectory in the Deposit LDP, the Council does not attach considerable weight to the need to increase housing supply. The proposal therefore conflicts with paragraph 6.2 of TAN 1 and principles set out in section 4.2 of PPW 10 as it would prejudice the plan-led system with respect to the most appropriate housing sites from being brought forward as set out in the Deposit LDP.
2. The proposal would result in a development which does not relate well to the existing pattern of development in the settlement, and would result in a fragmented form of development which does not integrate with the existing built form. As such the proposal represents an illogical extension to the settlement which would be contrary to Policies STR1, STR7, GEN1, GEN3 and HSG4 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member
Councillor L A Sharps

Declared a personal and prejudicial interest and appointed Councillor M Bateman as representative following advice of the legal officer.

Councillor M Bateman

No comments received at the time of writing.

Northop Hall Community Council

Northop Hall Community Council, object to the above planning application on the following grounds:

- The application site does not comply with the Flintshire Council's preferred LDP Strategy, as already determined within the Preferred Strategy Assessment background Paper considering candidate sites. Page 91 dated 9th November 2017, shows the Plas Ifan Candidate Site outlined in red and the script, in association with this Candidate Site (NH022) states: "The site does not comply with the Council's Preferred Strategy, as it is divorced from the settlement and

development of the site would result in urban sprawl in an area of open countryside.”

- The development does not meet Strategy Policy STR2 requirements for a Sustainable Village, in that it breaches all of these conditions:
 - **Allocations** – Northop Hall has already met and exceeded its new housing requirement for the whole period of the new LDP up to 2030.
 - **Windfall Market Housing** – This site is in open countryside and outside the village settlement boundary.
 - **Affordable housing on sites above an area / unit’s threshold** – There are no affordable housing is included in the plans.
 - **Small Scale Rural Exceptions Schemes SPG5, SPG 9 and SPG10 adopted by Flintshire council 17th January 2017** –This development does not meet any of the criteria defined:
 - Essential worker housing (policy HSG 4);
 - Small scale infill development, comprising one or two housing unit(s) within a clearly identified group of dwellings, in the open countryside (policy HSG 5)
 - Conversion, extension, adaptation and re-use of buildings in the open countryside (See policies HSG 7, RE 4 and RE 5 and Local Planning Guidance Note 5 “Conversion of Rural Buildings”)
 - Replacement dwellings (policy HSG 6)
 - Affordable housing exceptions schemes adjoining existing villages.

- Whilst accepting that previously developed land may include a buildings curtilage, this proposal extends beyond what should be regarded as Plas Ifan’s curtilage and into open countryside to the south.

- The development Impact on residential amenity (e.g. hours of use, loss of privacy, loss of light, over dominance, noise, traffic), in that it will produce increased traffic through the village, which has already an inadequate road infrastructure for the existing population, especially in Village Road, Brookside Road, Smithy Lane, Llys Ben, Vinegar Hill and Wepre Lane.

- The development will impact on community facilities, which again are inadequate for the current population within the village and already over stretched, such as:

- The village primary school is full to capacity and children from the village are already required to attend primary schools elsewhere.
 - There is no doctor's surgery in the village and all local surgeries are not accepting further patients.
 - There are only two, small, safe children's play areas in the village and none close to this proposed development.
- The application does not show the impact of potential flooding from surface rain/storm water to the Brook at the bottom of the site and therefore the impact on properties in areas fed by the Brook.
 - No provision has been made on the proposed planning application, for an outdoor play area for young children - the nearest would be a 400 metre walk to the bottom of St. Mary's Drive or 600 metres to the play area at the bottom of Llys Ben. Similarly, the nearest school, which is already full to capacity, as noted previously, is a 600 metre walk. It is likely that due to these distances, many parents may opt to drive their children to and from these area, thereby leading to increased traffic congestion on the village roads (which are already congested and busy), congestion at the drop off and pick up points and added nuisance and disturbance to residents living in the vicinity.
 - A private traffic survey was undertaken in 2018, which indicates that there would be a conservative estimate that at least 30 vehicles are likely to be exiting the proposed site, between 7.30am and 9.00am and returning again between 5.00pm and 6.00pm. In addition to this, at the same time there is currently an influx of traffic entering the village from the direction of Northop and from Smithy Lane, mainly to access the A55 expressway. Access to the A55 is via Brookside, which is already a hazard, with many parked vehicles causing single file traffic. There is also through traffic and vehicles, turning right into Smithy Lane. A survey of traffic taken from the Smithy Lane junction on the 3rd August, 2018 between 7.30am and 8.45am showed the following:

Vehicles entering Northop Hall from Northop - 35
 Vehicles entering Northop Hall from Smithy Lane - 195
 Vehicles turning right down Smithy Lane - 47
 Vehicles travelling through Northop Hall towards Northop - 86

It should be noted, that since this survey in 2018, traffic has significantly increased throughout the village, especially due to the new Crematorium having been built and also a new

housing estate at Oakenholt, both of which have a significant impact on the traffic in Northop Hall. Also, the survey was undertaken during the summer months when schools were closed. The traffic is significantly greater during those periods during term times. The level of the access to the proposed development is below the level of Village Road and we strongly believe that there will be a high risk of accidents occurring at this junction, due to driver's visibility being impaired by the varying road levels.

- The proposed site is home to various flora and fauna including badgers, birds and bats, all of which are important to the rural environment and the development would undoubtedly significantly impact on the existing ecosystems.
- The development would again inevitably have an impact on a number of established, majestic oak trees on the site, which it is likely will be removed in the process of developing the estate. In fact, it appears that a number of mature trees have already been taken down.
- This development does not meet the requirements in the Welsh Government Planning Policy Wales 'well-being' goals in all areas:
 - o **A prosperous Wales**
 - o **A resilient Wales**
 - o **A healthier Wales**
 - o **A more equal Wales**
 - o **A Wales of cohesive communities**
 - o **A Wales of vibrant culture and thriving Welsh Language**
 - o **A globally responsible Wales**

Highways Development Control

I refer to the revised site plan, drawing no. 18-045-110G.

The drawing has been revised to include the requested 2m wide footway along the site frontage. Any planning consent should include a condition requiring the submission of detail for the extension of the existing traffic calming scheme.

Cul de sacs serving plots 9-14 and 21-24 were considered to be of excessive length. In order to reduce reversing lengths (bin lorry/delivery vehicles) it was suggested that turning heads should be provided or alternatively access limited by re-designing as shared private driveways. The Applicant has chosen not to amend the layout of the road serving plots 9-14 and this remains unsuitable. The road serving plots 21-24 has been amended but further access restrictions are necessary. The revised proposals appear to indicate an adoptable shared surface road with footway; this is not considered

appropriate. In order to limit reversing lengths of bin lorries and delivery vehicles, access should be restricted to that of a shared private drive.

The additional information clarifying the position of parking spaces in relation to the proposed extents of adoption is considered acceptable. Proposed road gradients are also considered acceptable.

There is no indication of surface water drainage proposals or of methods proposed to deal with highway surface water. Drainage proposals should be discussed and agreed with the SAB.

The submitted road layout remains unacceptable; a recommendation of refusal of the application should be considered if the Applicant is unwilling to further amend proposals.

Community and Business Protection

No response at the time of preparing the report.

Welsh Water/Dwr Cymru

Welsh Water Confirms that capacity exists within the public sewerage system network in order to receive the foul only flows from the proposed development site at and downstream of manhole chamber SJ26675802 on the public foul only sewer located in Village Road, to the North of the development site. Welsh Water raises no objection to the proposed development subject to the imposition of a condition in relation to the connection of the foul drainage.

Natural Resources Wales

No objection subject to the imposition of conditions in relation to reasonable avoidance measures for Bats, external lighting scheme Biosecurity Risk Assessment and the submission of a Ecological Compliance Audit.

Education

SCHOOLS AFFECTED: PRIMARY

School: Northop Hall C.P. School

Current NOR (@ January 2019) 191 (excluding Nursery)

Capacity (@ January 2019) 210 (excluding Nursery)

No. Surplus Places: 19

Percentage of Surplus Places: 9.42%

SCHOOLS AFFECTED SECONDARY

School: Connah's High School

Current NOR (@ January 2019) is 988

Capacity (@ January 2019) is 1200

No. Surplus Places is 212

Percentage of Surplus Places is: 17.67%

Primary School Pupils

School capacity $210 \times 5\% = 10.50$ (11)
 $210 - 11 = 199$ Trigger point for contributions is 199 pupils

(No. of units) 24×0.24 (primary formula multiplier) = 5.76 (6 No. of pupils generated) $\times \pounds 12,257$ per pupil (Building Cost multiplier) = $\pounds 73,542.00$

Actual pupils $191 + 6$ (from the multiplier) = 197 does not meet trigger

Contribution requirement would be £0.00

Secondary School Pupils

School capacity of $1200 \times 5\% = 60$ (rounded up or down) 60
Capacity $1200 - 60 = 1140$ Trigger point for contributions is 1140 pupils

(No. of Units 24×0.174 (secondary formula multiplier) = 4.176 (4 No. of pupils) generated $\times \pounds 18,469$ per pupil (Building Cost multiplier) = $\pounds 73,876.00$

Actual pupils $988 + 4 = 992$ does not meet trigger of 1140

Contribution requirement would be £0

Conclusion

Primary – Northop Hall C.P. Primary School – it is not our intention to seek a Section 106 contribution.

Secondary – Connah's Quay High School Secondary – it is not our intention to seek a Section 106 contribution.

Aura

In accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of $\pounds 1,100.00$ per dwelling in lieu of onsite POS. The payment would be used to improve Junior play provision at Llys Ben play area, Northop Hall. Working with Planning Policy we have considered previous pooled contributions and we confirm that the pooled contributions thresholds have not been exceeded with regards to Llys Ben Play Area.

Housing Strategy Manager

In terms of evidence of need the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 228 affordable units. The LHMA identifies a need for primarily 1 bed and 2 bed (45.6%), and 3 bed (28.3%), split between affordable rent (61.3%) and affordable ownership (38.6%) tenures;

There is an identified level of need for intermediate products (affordable ownership and rent) in Northop Hall:

	Affordable ownership	Affordable rent
2beds	1	3
3beds	4	5
4beds	-	2

There is need in the local and wider area of Flintshire for affordable housing. I would support the following mix on site.

	Affordable ownership – shared equity	Affordable rent
3beds	2	5

I would also propose that the affordable rented units are sold to one of our partner Housing Associations or our Housing Company NEW Homes. I would also want any unsold Shared Equity units to remain affordable in perpetuity and sold to a partner Housing Association or NEW Homes.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

170 no. Letters of Objection received upon the following grounds:

- Lack of school places;
- Increased village growth is causing it to lose its identity;
- Premature in advance of the UDP and should not pre-empt decisions in advance of the LDP;
- Outside the settlement boundary;
- Unsustainable location;
- The hotel is unviable in its present form, how can arguments of development principle be founded on an unimplemented permission on a hotel that is said to be unviable;
- Landscape and visual impact of developing the open countryside;
- The site is a greenfield site outside the settlement boundary;
- The proposal if approved will lead to further development and encroachment along the undeveloped land adjacent and the open countryside;
- Would lead to additional traffic and Congestion on the B5125 and within the village;
- Impact on the sewage system, water supply and other services;
- Limited Public Transport services;
- Dependency on private car as a means of transport;

- Impact on dentists and doctors, current services full to capacity;
- Noise impacts from the development;
- Potential drainage impacts from surface water on nearby properties;
- Surface water flooding and risk to flooding elsewhere
- The proposed development would be dominant and out of keeping with its surroundings, and would therefore harm the character and appearance of the immediate and wider area of the open countryside;
- Overdevelopment;
- Access and egress onto the B5125 is dangerous;
- Traffic Calming measures are required to reduce the speed of vehicles approaching the village;
- Lack of convenience amenities within the village, residents therefore shop elsewhere;
- The Site is divorced from the settlement;
- The application does not represent as sustainable development;
- Does not meet PPW10 well being goals;
- Negative impact on residential amenity;
- Detrimental to existing and established ecosystems;
- The hotel is a village landmark, and should not be demolished, and should instead be renovated.

5.00 SITE HISTORY

- 5.01 055326 Renewal of planning permission ref no. 048076 for the erection of a rear and side extension to hotel and additional parking – Approved 04.07.16

048076 Erection of a rear and side extension to hotel and additional parking area with demolition of outbuildings and single storey elements – Approved 24.06.11

038252 Erection of an orangery – Approved 12.11.04

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 STR1 - New Development
 STR4 – Housing
 STR7 – Natural Environment
 STR8 - Built Environment
 STR10 - Resources
 GEN1 - General Requirements for New Development
 GEN3 - Development Outside Settlement Boundaries
 D1 - Design Quality, Location and Layout
 D2 - Design

D3 - Landscaping
TWH1 - Development Affecting Trees and Woodlands
L1 – Landscape Character
WB1 - Species Protection
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
HSG4 – New Dwellings Outside Settlement Boundaries
HSG8 - Density of Development
HSG9 - Housing Mix and Type
RE1 – Protection of Agricultural Land
SR5 - Outdoor Play Space and New Residential Development
EWP14 – Derelict and Contaminated Land
EWP16 – Water Resources
EWP17 – Flood Risk

Supplementary Planning Guidance Notes:

SPGN 2 - Space around dwellings
SPGN 4 - Trees and Development
SPGN 8 - Nature Conservation and Development - SPG 8a - Great
Crested Newt Mitigation Requirements
SPGN 9 - Affordable Housing
SPGN 11 - Parking Standards
SPGN 23 – Developer Contributions to Education

PGN 13 - Open Space Requirements

Planning Policy Wales Edition 10 December 2018

Technical Advice Note 1: Joint Housing Availability Studies

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

7.00 PLANNING APPRAISAL

7.01 This is a full planning application for the demolition of Plas Ifan Hotel to facilitate the development of 24 no. dwellings and associated infrastructure.

7.02 Site Description

The proposed application site extends for 0.9 ha and relates to the Plas Ifan Hotel and adjoining land to the south of the B5125 and to the west of Northop Hall. There is an existing access for the hotel which lies to the north west of the site off the B5125. It is understood from the submitted information that the hotel is currently closed, and has been in excess of 2 years. The land immediately surrounding the hotel forms part of the hotel grounds and gardens together with a maintained lawn area terminating at a post and rail fence. This is considered to mark the extent of the 'curtilage' to the hotel.

- 7.03 An area of land lies beyond the marked boundary of the Hotel, however it should be noted that there appears to be remnants of fencing that perhaps once separated the land that falls to the south. The land is considered to be in the open countryside. A running brook, known as Wepre Brook runs along the southern boundary of the site with the A55 expressway beyond. This area of land does not form part of the application site.
- 7.04 To the east of the application site lies agricultural land and to the south/west lies mature woodland and adjoining garden for a neighbouring household. The settlement boundary lies approximately 15m to the north east of the site along the B5125. There is an existing footway/pavement which leads from the hotel entrance to Northop Hall.
- 7.05 Proposed Description
The proposed development seeks to demolish the existing hotel and associated outbuildings, in order to facilitate a scheme for the construction of 24 residential dwellings with access off the B5125 to the north.
- 7.06 The proposal development would provide a scheme which incorporates a mix of 3 and 4 bedroom units, accommodating an affordability element of 30% and comprising a mix of semi-detached and detached units over two storeys. The application includes details of two house type designs. Each dwelling would have the benefit of off road driveway parking and private amenity space to the rear.
- 7.07 The proposal also includes the installation of a pumping station, which is to be sited to the rear of plots 16-19. The introduction of a pumping station would allow the development to connect with the local infrastructure along Village Road.
- 7.08 Principle of Development
The site lies outside the settlement boundary of Northop Hall in the adopted UDP. In terms of adopted UDP policies, policy STR1 refers to the requirements of new development, while policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type. In this case, policy HSG4 is of most relevance, referring to new dwellings outside settlement boundaries. The policy aims to strictly control new dwellings outside settlement boundaries unless it is essential to house a farm or forestry worker at or very close to their place of work.

- 7.09 Given that the proposal is for 24 residential units and does not fall within the scope of the above policy framework, the proposal is contrary to these policies in the adopted UDP, and is therefore classed as a departure from the development plan.
- 7.10 The proposal is justified on the basis that it represents a brownfield site on account of the existing hotel buildings and the permission for an extension to the hotel. A recurring theme throughout the Planning Statement is that the UDP is out of date, that the Council cannot demonstrate a 5 year housing land supply and that despite the ministerial temporary disablement of para 6.2 of TAN1, 'considerable' weight should still be given to increasing housing land supply, in the context that the proposal represents sustainable development.
- 7.11 In previous appeal decisions it has been accepted that the housing policies in the UDP as well as the settlement boundaries are now out of date. However, the remainder of the Plan, which seeks to bring about sustainable development, is still broadly in line with national policy, PPW10. The acceptability of the proposal rests on whether it does in fact represent sustainable development and the weight to attach to increasing housing land supply in light of the Ministerial Statement.
- 7.12 Housing Land Supply
Prior to the 18th July 2018 paragraph 6.2 of TAN 1 required "considerable weight" to be given to the lack of housing land supply provided that the proposal is otherwise policy compliant and sustainable. The disapplication of paragraph 6.2 has significantly altered this test. 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.
- 7.13 A lack of a five year land supply still remains a material planning consideration, however the Local Planning Authority now considers what weight should be attached to this matter in the overall planning balance rather than the assumption set out in paragraph 6.2 that considerable weight is always attached. It is also the case that albeit informally, and by the completions method, Flintshire can demonstrate a sufficient housing land supply to deliver a level of completions over the first three years of the LDP plan period, which is in excess of the annual housing requirement in the Deposit LDP.
- 7.14 The applicant claims that 'the Council is afforded a housing supply rate of zero' in accordance with an appeal decision which dates back to 2015. The decision is pre-TAN1 disablement and therefore the weight given by the Inspector at the time remained consistent with the

wording, in that ‘the need to increase supply should be given considerable weight.’ Hanging onto the views of an Inspector who considered an appeal within a far different policy context is incorrect. The wording in TAN1 does not refer to a ‘rate of zero’, instead it refers to not being able to demonstrate a land supply. In reality the Council cannot have a land supply of zero given that there are existing permissions and significant completions being achieved.

7.15 UDP/LDP

The Flintshire Unitary Development Plan (UDP) became time expired at the end of 2015. However, in the absence of an adopted Local Development Plan, it remains the adopted development plan for the county. The policies for which it pertains are therefore given relative weight when considering planning applications, in so far as they are consistent with Planning Policy Wales Ed.10 (December 2018).

7.16 The Deposit Flintshire Local Development Plan (LDP) has been approved by the Council to go out for consultation, which began on 30th September 2019, with the approved plan already in the public domain. The position reached with the LDP is therefore material to the consideration of this application and in relation to the above context has now reached deposit stage.

7.17 Whilst the arguments made in section 7 of the planning statement are noted, these are arguments that have been made previously, with subsequent responses from the Local Planning Authority during the consideration of other such major housing schemes.

7.18 The assessment of the position in relation to allocated sites is inaccurate and out of date. Furthermore the applicant’s assessment of the Preferred Strategy has calculated an opinion that ‘Northop Hall has not achieved its allocated level of growth.’ The UDP did not set targets or specific levels of growth for each settlement but set indicative growth bands. It is accepted that the level of growth in Northop Hall over the Plan period was low compared to the indicative 8-15% as the allocated Cae Eithin site did not commence development until towards the end of the Plan period. However, the Cae Eithin (Anwyl) development is now complete. Therefore it is considered that the settlement has delivered growth in the LDP rather than the UDP period and there is no requirement in the LDP Strategy that further growth has to be provided for in this settlement.

7.19 Previously Developed Land

The applicant argues that the proposed development will involve the re-use of previously developed land facilitated by the demolition of the Plas Ifan Hotel and associated outbuildings. Whilst to some extent this is true, the applicant also contends that by the existence of a planning permission to extend the hotel on land to the rear, this too should be considered to fall within the same category and definition of previously developed land. With consideration to the permission to

extend the hotel, I am of the opinion that the curtilage of the hotel has not been redefined or altered due to the fact that the permission remains unimplemented and there is therefore no new built development to support the arguments made by the applicant. The definition of previously developed land in accordance with PPW10 (page 38) is set out below:

“Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures. Excluded from the definition are:

- *land and buildings currently in use for agricultural or forestry purposes;*
- *land which has not been developed previously, for example parks, recreation grounds, golf courses and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;*
- *and where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;*
- *and which is species rich and biodiverse and may qualify as section 7 habitat’ or be identified as having nature conservation value; fn Environment Act;*
- *and previously developed land subsequently put to an amenity use.”*

7.20 It is clear that the definition of previously developed land should include the curtilage of a development. However, further to the definition and with reference to this case, the land to which the permission for an extension exists has not been developed. It is therefore considered that only through developing the site in accordance with the permission would the existing curtilage of the hotel (currently defined by the post and rail fencing to the rear) be extended or redefined. The applicant themselves confirms this to be the case, stating ‘if the approved extension to the hotel were to be developed then the land to the south of the site would become attached to the hotel by association and would be classed as curtilage.’ In accordance with PPW10 the land to the south has not been developed previously and is therefore by virtue excluded from the definition. The curtilage associated with the hotel is thus smaller than previously claimed, with the boundary clearly defined by the post and rail fencing as viewed on site.

7.21 Furthermore, the applicant considers PPW10 with regard to development hierarchy by which previously developed land should be preferential to greenfield sites. Irrespective to the inclusion of what is

believed to be the hotel curtilage, the application also includes land beyond this. Land which is clearly greenfield, undeveloped land. The logic behind the applicant's rationale derives from the notion of 'maximising the use of a previously developed site' and therefore in order to utilise the full potential of the site, the applicant considers developing the whole site inclusive of the land to the south to be an appropriate form of development within the open countryside.

7.22 It is considered that the land beyond the post and rail fencing is undeveloped land. Given its natural surroundings, character and appearance, it very much forms part of the open countryside. With reference to the submitted details, the land also has the potential to be ecologically rich, further warranting its protection. Therefore I am confused with the logic of including this land for development. This does not represent good planning. Furthermore, footnote 1) attached to the PPW10 definition should be noted so far as is relevant.

1) *The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this **does not mean that the whole area of the curtilage should therefore be redeveloped**. For example, where the footprint of a building only occupies a proportion of a site of which the **remainder is open land** (such as a hospital) the whole site **should not normally be developed to the boundary of the curtilage**. The planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or **development in the countryside**.*

7.23 Sustainable Development

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

7.24 The applicant acknowledges that the site is located outside a recognised settlement boundary. However claims that due to 'some' of the site being previously developed, this provides an opportunity to include greenfield land in the proposal as a way of utilising its full potential, and therefore the LPA are to consider this as a form of sustainable development. The applicant further acknowledges that the site 'isn't adjacent' to the settlement boundary, but nevertheless should be considered to be in a sustainable location because it is located less than 15m away from the settlement boundary.

7.25 The application site concerns the Plas Ifan Hotel which fronts onto the B5125 and includes land to the rear which is a gently sloping,

rectangular parcel of land stretching towards the A55 Expressway limit. The site is near a handful of other dwellings and the Village Cricket Grounds, therefore it is not expressly 'isolated'. That aside, the site is set apart from the tight-knit developed core of the settlement in an area where there is a scattering of development and an abundance of open green space. The local landscape is rural in nature, with surroundings characterised by a loose-knit informality where instances of development has thinned out. As a consequence, and although some facilities near the site are functionally related to the settlement, the proposal would not be infill or part of ribbon development; rather it would be development in the countryside.

- 7.26 The scheme proposes to introduce 24no. dwellings onto the site, laid out in three groupings accessed off the main estate road off the B5125 and approached internally off a cul-de-sac layout. The proposed development would introduce a high concentration of housing for the size of site, to the detriment of its verdant and spacious characteristics. Irrespective of the quality of the detailed design and the potential for landscape boundary screening, the imposition of 24 dwellings and associated hard landscaped areas would represent an uncharacteristic urban intrusion. Moreover, the orientation of the buildings and proposed layout would be more akin to a suburban development, not reflective of the outer edge of a settlement in a rural area. As a result, the proposal would be fundamentally at odds with the landscape qualities that define the site, causing harm to the character and appearance of the area.
- 7.27 As set out above, it has been established that the land which is considered to constitute the curtilage and therefore falling within the definition of previously developed land, is far smaller than what is being argued by the applicant. The extent of the current curtilage more or less fits in line with the ribbon pattern of development along the B5125 towards the settlement boundary. The land which falls to the south and beyond the marked post and rail fence is by character and appearance considered to form part of the open countryside. Whilst there may be opportunities to redevelop the Plas Ifan Hotel site because it is previously developed, the land to the south should however remain as open countryside.
- 7.28 The proposed development site inclusive of previously developed and greenfield land does not adjoin the settlement boundary and therefore does not accord with the current local planning policy context. In looking at the site's context in more detail, the settlement boundary follows a block of built development on the north side of the B5125 and a block of built development on the eastern side of Brookside. The form and pattern of built development is clearly defined and the proposed site in terms of its configuration (diagonally opposite development on the B5125) and relationship with the settlement (large gap of intervening countryside). The claim that the

site is sustainable because it is only a 'few metres' from the settlement boundary is not replicated when looking at the site's context.

- 7.29 The applicant puts forward an argument that the woodland to the west of the site will prevent any further expansion of the settlement. However, the development of the site would leave a large block of land between it and existing development at Brookside. Rather than representing a logical extension to the settlement, the proposal represents a detached block of development and thus would create a precedent for further development of the intervening land. This does not represent as good planning.
- 7.30 Furthermore, Northop Hall given its present size has limited local services, and whilst there is a strong argument that further development would help support the future of these facilities and businesses, the range of services available are unlikely to sustain further growth and would potentially require expansion within a settlement that is tightly constrained by open countryside. Furthermore, it has only limited access to local bus services. Consequently, it seems to me that, other than walking and cycling, alternatives to the use of the private car to access employment within the surrounding area and local services and facilities within Flint or Mold or other local centres are limited. It is likely therefore, that the proposal would generate the need for travel by private car in order to access services and facilities. This adversely affects the sustainable credentials of the proposed scheme.
- .31 Whilst the proposal would provide housing development. It may also provide short term employment opportunities during the construction phase after which the future occupants of the houses may also contribute to spending in the wider local area and the use of local facilities. However, these benefits cannot be assured and in any event there are limited local facilities and opportunities to spend locally. Therefore, the weight I accord them is limited.
- 7.32 Notwithstanding the harm to the open countryside, the growth and the precedent for further unjustified residential development and the reliance on the private car this proposal would create is considered to amount to unsustainable development.
- 7.33 Highways
The application is supported by a Transport Statement prepared by Vectos dated July 2019. The report considers that in comparison with the existing use of the site, the trip generation of both the former hotel and proposed 24 dwelling residential development, the proposals are shown to bring an overall increase in vehicular trips within the weekday peak periods compared to the extant use at the site. The report concludes that the proposed development would not significantly impact upon the local highway network.

- 7.34 The applicant advises that the access point into the site has been altered from the existing to better incorporate new housing on the site, and that there is still a sufficient visibility splay to allow for safe passage of all vehicles on and off site.
- 7.35 Through consultation with the Highway Authority, concerns were raised in respect of the site layout which resulted in the submission of an amended plan. The revised site layout now includes the requested 2m wide footway along the site frontage.
- 7.36 However, the cul de sacs serving plots 9-14 and 21-24 were considered to be of excessive length. The Highway Authority considered that in order to reduce reversing lengths (bin lorry/delivery vehicles) it was advised that turning heads should be provided or alternatively access limited by re-designing as shared private driveways. The Applicant has chosen not to amend the layout of the road serving plots 9-14 and this remains unsuitable. The road serving plots 21-24 has been amended but further access restrictions are necessary. The revised proposals appear to indicate an adoptable shared surface road with footway; however this is not considered appropriate. In order to limit reversing lengths of bin lorries and delivery vehicles, access should be restricted to that of a shared private drive.
- 7.37 The additional information clarifies the position of parking spaces in relation to the proposed extents of adoption which are considered acceptable. Proposed road gradients are also considered acceptable.
- 7.38 Whilst the Highway Authority considers the revised road layout to be unacceptable; I do not consider it appropriate to form the basis of a reason to refuse the application as the site layout could be altered further to resolve the issues raised to the satisfaction of the Highway Authority.
- 7.39 Ecology
The application is supported by a Phase 1 Habitat Assessment prepared by SDC Consultant Ecologists dated October 2018. The preliminary survey provides a good baseline and identifies the key habitats and the potential of these habitats for relevant species. However, the survey area covers a larger site than that proposed for development subject to this application. The application site now excludes the southernmost field, which is more floristically interesting and is adjacent to ancient woodland therefore its exclusion is to be welcomed on ecological grounds. In response to consultation comments, a further report covering Great Crested Newts (GCN) has been provided.
- 7.40 The nearest statutory designated site Deeside and Buckley SAC/SSSI is over 1km from the site and there are known GCN records within 300m of the site. Warred Wood Wildlife Site (26NE04)

– non statutory site and ancient woodland is within 300m but to the south of A55. Habitats present within the redline boundary include garden habitats associated with the hotel plus semi improved grassland, and native boundary hedgerows to the south and east.

7.41 From the habitats present there is the potential for a number of species to be present:

1. GCN - Due to the widespread nature of GCN within Flintshire there is a high likelihood that GCN are present. GCN records occur within 300m to the north of the site; although the garden ponds tested negatively for eDNA, the habitats present mean the site has potential. Reasonable avoidance measure at the minimum would be recommended.
2. Bats - The buildings have been identified as having potential and surveys were undertaken June and September 2019) recorded small numbers of Common Pipistrelle and Myotis sp (possibly Whiskered) roosting within the Coach house and the Hotel building. Demolition therefore requires a Bat licence and appropriate mitigation –built in bat bricks/tubes within the new buildings where there is minimal lighting proposed would be recommended.
3. Water voles/Otter – the brook is not part of the application area so these species are no longer relevant.
4. Badgers - The proximity of ancient woodland linked by mature hedgerows means there is potential for Badgers to be present – no obvious signs were observed within the site boundary but the report did not rule out a badger sett adjacent to the site and therefore recommends further work is carried out in the form of a Badger Survey.

7.42 The report concludes that the habitats present are of limited ecological value and the small numbers of protected species present or potentially present can be mitigated for. The Bat report recommends the need for an NRW Bat licence and a mitigation strategy, however such details can be conditioned. NRW raise no objection to the proposed development.

7.43 Affordable Housing

The application proposes to provide an element of affordable housing at 30% in line with UDP Policy HSG10. This would equate to the provision of 7 affordable units as part of the total number of dwellings proposed. Members are reminded that the Council would not seek on site affordability on sites of this size. Policy HSG10 seeks to provide 30% affordable housing on sites with a minimum size threshold of 1.0 ha or 25 dwellings. In this case the application proposes the erection of 24 dwellings on a site area that measures less than 1 ha. Therefore the affordable housing proposals have voluntarily been put forward by the applicant.

7.44 The Housing Strategy Manager has been consulted and has confirmed that there is an identified level of need for intermediate products (affordable ownership and rent) in Northop Hall:

	Affordable ownership	Affordable rent
2beds	1	3
3beds	4	5
4beds	-	2

7.45 There continues to be a need in the local and wider area of Flintshire for affordable housing, therefore the provision of onsite affordable dwellings is supported, with the 7 units suggested by the Housing Strategy Manager to be a mix of Affordable Ownership-shared equity and Affordable Rent, with preference to all 7 units being 3 bedroom properties.

7.46 Despite the Council's support for providing onsite affordable housing and the Applicant's suggestion of such, it is as it stands just a suggestion as there is a clear lack of information regarding affordable housing within the submitted application with the exception of paragraphs 4.3 and 7.64 of the Planning Statement. The proposed affordable units have not been clearly identified on either the original site layout or the amended site layout received 14th October 2019, in addition, the application fails to provide the arrangements to ensure such provision is affordable in perpetuity and the proposed tenure type. The absence of this information would not warrant a reason for refusal, as primarily the Council would not normally seek affordable housing on sites of this size, however the lack of information does prevent me from considering the contribution any further in this context.

7.47 Education

It has been suggested in third party responses to consultation that the settlement does not have sufficient capacity within the existing infrastructure to accommodate the proposed development of a further 24 dwellings. Specifically sited is the lack of capacity at local schools. Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation established, having regard to SPG23: Developer Contributions to Education, that the development would not give rise to the need for a contribution requirement at the nearest primary school and secondary school, these being identified as Northop Hall CP and Connah's Quay High School. Therefore, despite the objections raised regarding school capacity, it has been confirmed that the nearest and most suitable schools as identified above have capacity to accommodate the school pupils that would be generated from the proposed development.

7.48 Public Open Space

Following discussions with the leisure services, it is proposed that a contribution of £1,100 per dwelling in lieu of on-site provision (£733.00 for any affordable housing) is secured through a legal agreement. The payment would be used to improve Junior play provision at Llys Ben play area, Northop Hall.

7.49 Working with Planning Policy, previous pooled contributions have been considered and it is confirmed that the pooled contributions thresholds have not been exceeded with regards to Llys Ben Play Area.

7.50 CIL Compliance

Members will be aware that where it is recommended that planning permission be granted, I would set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 Agreement. However, in view of the recommendation that permission be refused, I have in this case refrained from so doing at this stage.

7.51 Other Matters

Third party objections have raised issues with regard to loss of light, loss of privacy and over dominance. However, due to the physical separation of the proposed site from surroundings built form it is considered that very little weight should be attached to these concerns.

Further issues were raised with regard to flooding, loss of trees and habitats. However, very minor weight is attached to these matters as relevant statutory consultees have not objected to the proposal.

8.00 CONCLUSION

In this instance, it is considered that the proposal amounts to unjustified residential development within an area of open countryside, whereby the proposed development would be detrimental to its setting. It would result in the loss of an area of open undeveloped land and its replacement with built development and associated human activity. This is considered to have an adverse impact on the rural quality of the landscape, increasing the built form of development outside the settlement boundary and encouraging a sporadic block of built development, at the expense of the surrounding open countryside. In these terms, the proposed development would conflict with both PPW10 and the UDP.

With consideration to the above and the disablement of para 6.2 of TAN1, it has not been demonstrated that the development would otherwise comply with the development plan and national planning policies, it is for this reason that the lack of a housing land supply is not sufficient to outweigh the harm on the character and appearance of the open countryside.

I therefore recommend accordingly.

8.01 Other Considerations

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

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

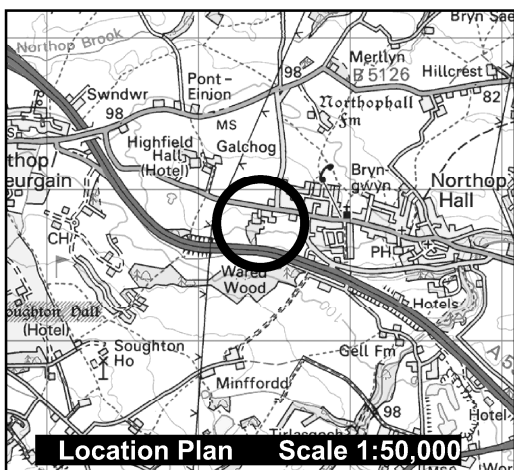
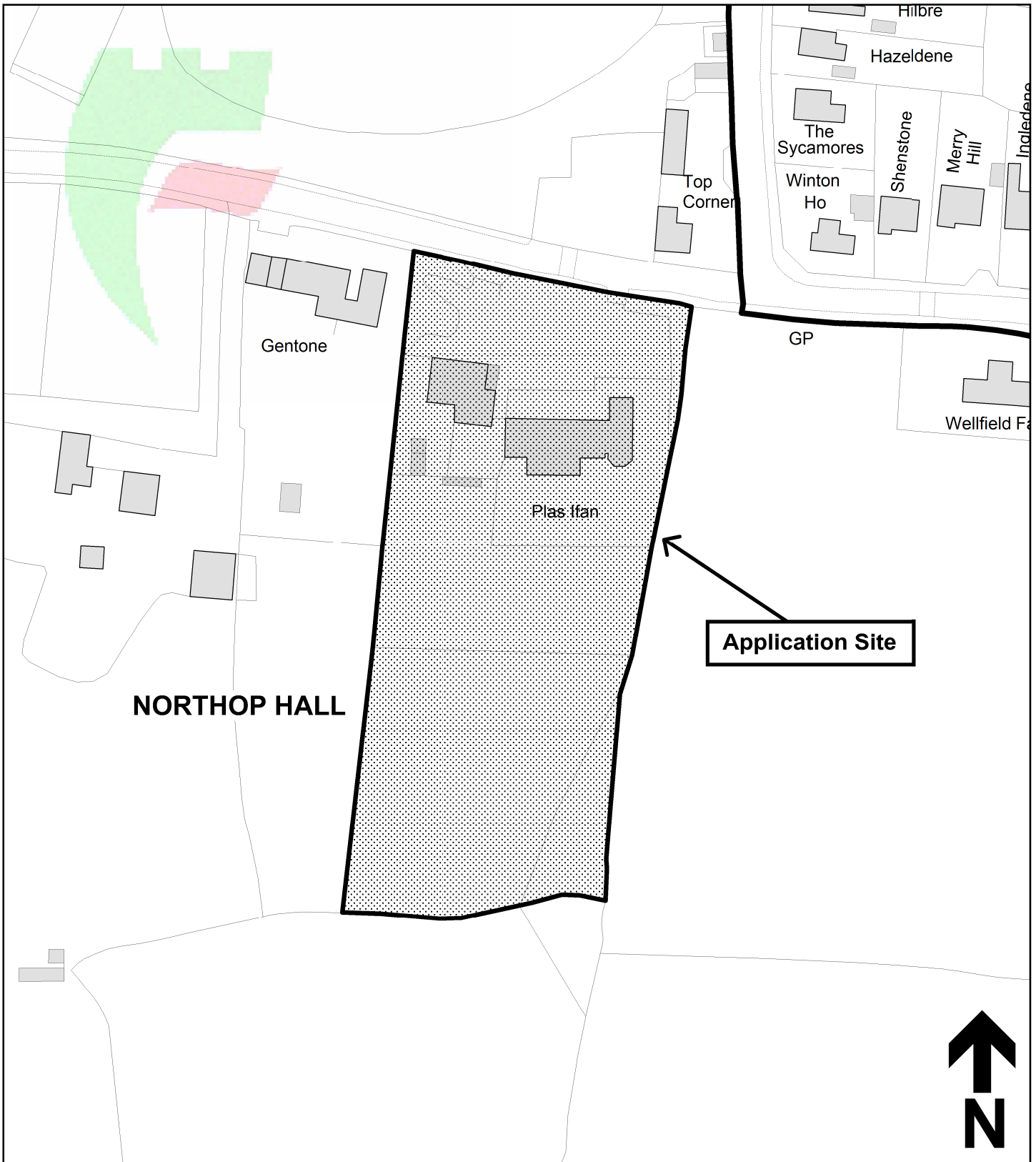
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Katie H Jones
Telephone: (01352) 703257
Email: katie.h.jones@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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Map Scale 1:1250

OS Map ref SJ 2667

Planning Application **60292**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH NOVEMBER 2019**

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

SUBJECT: **AMENDMENT TO PLOT 36 – PROVISION OF SUN ROOM AT 2 FFORDD YR HYDREF, MOLD.**

APPLICATION NUMBER: **060131**

APPLICANT: **F.G. WHITLEY & SONS**

SITE: **2 FFORDD YR HYDREF, MOLD.**

APPLICATION VALID DATE: **19TH JUNE 2019**

LOCAL MEMBERS: **COUNCILLOR G.H. BATEMAN**

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

REASON FOR COMMITTEE: **MEMBER REQUEST TO ENABLE IMPACT ON ADJACENT PROPERTY TO BE ASSESSED.**

SITE VISIT: **YES (UNDERTAKEN 30TH SEPTEMBER 2019)**

Consideration of this application was deferred at the Planning Committee meeting held on 2nd October 2019. This was to allow further discussion to be undertaken with the applicant to seek to secure an alternative form of screening to the trellis/ pergola as proposed, between the application site and neighbouring property in order to seek to safeguard the living conditions of its occupiers. As a result it is now proposed to install a brick wall within the curtilage of the application site to address the concerns raised. Further consultation has been undertaken in this respect.

1.00 SUMMARY

- 1.01 This retrospective application which has been submitted following enforcement investigations, proposes an amendment to the dwelling which is currently nearing completion but is unoccupied at 2 Ffordd y

Hydref, Broncoed, Mold, to incorporate a sun room on the rear elevation.

1.02 As a result of concerns raised in respect of the potential overlooking of the rear curtilage of an adjacent property at 56 Ffordd Byrnwr Gwair, a number of options have been considered/received during progression of the application in order to seek to secure a satisfactory scheme, that seeks to safeguard the privacy/living conditions of the occupiers of this dwelling. Following deferral of the application at the October Planning Committee it is now proposed to replace the previously submitted trellis/ pergola by a brick wall. A further round of consultation has been undertaken in this respect.

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

2.01 Conditions

1. In accordance with approved plans.
2. Screen wall to be completed prior to occupation
3. Screen wall to be retained in perpetuity.

3.00 CONSULTATIONS

3.01 Local Member
Councillor G.H. Bateman
Original Scheme

Request a site visit and planning committee determination in order that the impact on the privacy/amenity of occupiers of adjacent properties can be assessed.

Amended Proposal

No response at time of preparing report.

Mold Town Council

Original Scheme

No objection.

Amended Proposal

No response at time of preparing report.

Pollution Control

No adverse comments.

4.00 PUBLICITY

4.01 Neighbour Notification
Original Scheme

1 letter of objection received which considers that the proposed measures to avoid overlooking of an existing property are

unacceptable as:-

- The structure is not very sturdy and will not survive adverse weather conditions.
- The open nature of the trellis will not provide adequate screening.
- The condition of the structure will deteriorate over time if used for growing plants.

Amended Proposal

7 letters of support which considers the introduction of a brick wall to be in line with that discussed by Members at the October Planning Committee. This will provide privacy for plots 36 & 37.

1 letter received which expresses concern and questions whether the height of the wall as proposed, will provide for adequate screening given the associated height of an average person within the sun room.

5.00 SITE HISTORY

5.01 037534

Outline – Erection of 78 No. dwellings – Allowed on appeal to The Planning Inspectorate 10th June 2005.

045139

Reserved Matters Application – Permitted 28th November 2008.

056381

Amendment to previously approved site layout to substitute the house types initially proposed on 13 No. plots (19 – 25 & 30 – 35) by 9 No. dwellings on plots 37 – 40 & 44 – 48 – Permitted 17th February 2017.

057579

Amendment to previously approved site layout to substitute house types on plots 9 – 17 & 26 – 29 by 9 No. dwellings (plots 31 – 36 & 41 – 43) – Permitted 7th December 2017.

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 D3 – Landscaping.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Additional Guidance

7.00 PLANNING APPRAISAL

- 7.01 This full application proposes the retention of a sun room measuring approximately 3 m x 2 m x 3.5 m high that has been erected on a dwelling currently under construction but unoccupied at 2 Ffordd y Hydref, Broncoed, Mold.
- 7.02 The application has been submitted following enforcement investigations, and requires consent as the dwelling is unoccupied and does not benefit from permitted development rights. It is important to note that had the dwelling been occupied then permission would not be required for the sun room.
- 7.03 The plot the subject of this application shares a common site boundary with No. 56 Ffordd Byrnwr Gwair (No.56), with the rear curtilage area of this dwelling being approximately 1 m lower than the floor level that has been established for the sun room. The side elevation of the sun room is approximately 3.6 m from the common site boundary between the properties which is approximately 1.6 m in height. The separation distance between the northern elevation of the sun room and the main rear elevation of No. 56 is 15.m. There is a sun room to the rear of No. 56 and the separation from its rearmost elevation to the sun room which is the subject of this application is 11.8m.
- 7.04 In progression of the application, a number of options seeking to address the concerns of the occupiers of No. 56 have been considered. These measures principally included;
- a) the introduction of obscure glazing within side elevation of the sun room; or
 - b) the raising of the height of the existing common site boundary fence.
 - c) the erection of a 2 m high permanent privacy screen, comprising an arched trellis pergola.
- 7.05 Following deferral of the application at the October Planning Committee it is now proposed that a 2 m high brick wall be introduced in place of the previously proposed trellis/pergola. This would be introduced between the sun room and existing site boundary and form a continuation of the gable of the property.
- 7.06 Main Planning Considerations
The main considerations to be taken into account in determination of this application include:

- a) the safeguarding of the privacy/living conditions of the occupiers Ffordd Byrnwr Gwair when using their rear curtilage adjacent to the dwelling the subject of this application; and
- b) the visual impact associated with the introduction of the 2m high brick wall.

7.07 Privacy /Living Conditions

Whilst the principle of the erection of a sun room to the rear of the dwelling is not disputed, being in accordance with planning policy, I consider its retention is only acceptable with additional screening measures to avoid overlooking of the rear garden area of 56. It is considered that the combination of the existing common site boundary and the proposed wall set approximately 1.5 m behind it, to a height of 2 m and extending across the full width of the northern elevation of the sun room, will prevent overlooking of the garden area of the adjacent property from the sun room.

7.08 In coming to this view, I have had regard to the guidance set out within SPGN2 – Space Around Dwellings. The SPGN advises that, in cases where a window in a habitable room facing the flank wall (or side elevation) of an adjacent house a guideline of 12 metres from the wall should be applied. In addition, the SPGN advises that where there is a difference in land levels of 1m, a further 2m of separation should be sought. The relevance of this guidance to this application site is such that a separation of 14m would usually be expected to be provided.

7.09 It should be noted that in respect of all interfaces between the sun room and the main rear elevation of No. 56, a distance in excess of guideline distance is actually provided and therefore, the issue to consider is what impact upon living conditions is occasioned from the proposed sun room in terms of the opportunities afforded for overlooking of the sun room at No. 56.

7.10 The application identifies that the situation which currently exists would, allowing for a person of average height within the sun room and taking account of the height of the existing boundary (1.6m) between the properties, allow for degree of direct intervisibility between the sun room and the sun room at No.56. Accordingly, and as detailed in Paragraph 7.07 of this report, the proposed screening is advanced to act as a clear impediment to this opportunity, thereby avoiding any adverse impacts upon the living conditions of adjacent residents at No. 56.

7.11 Visual Impact

The proposed screen wall would be acceptable in visual terms and will help to assimilate the impact of development at this location. This type of installation is common within many curtilage areas, and in my view can be supported subject to conditions to;

- a) ensure its introduction prior to occupation of the dwelling; and

b) that the screening is retained in perpetuity.

8.00 CONCLUSION

It is considered that the retention of the sun room is only acceptable with the introduction of a suitable scheme of screening to minimise the impact of development on the occupiers of 56 Ffordd Byrnwr Gwair. The current amended proposal, when considered in combination with the fence on the existing common site boundary would meet the fundamental objective of preventing harm from overlooking from the sun room of the garden area associated with the existing dwelling and would also be acceptable from a visual perspective. It is therefore recommended that permission be granted subject to conditions.

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.

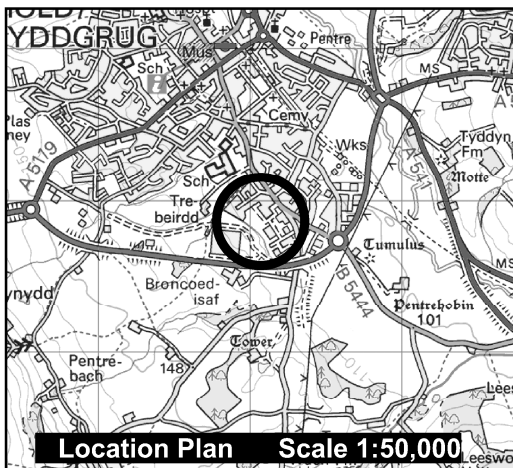
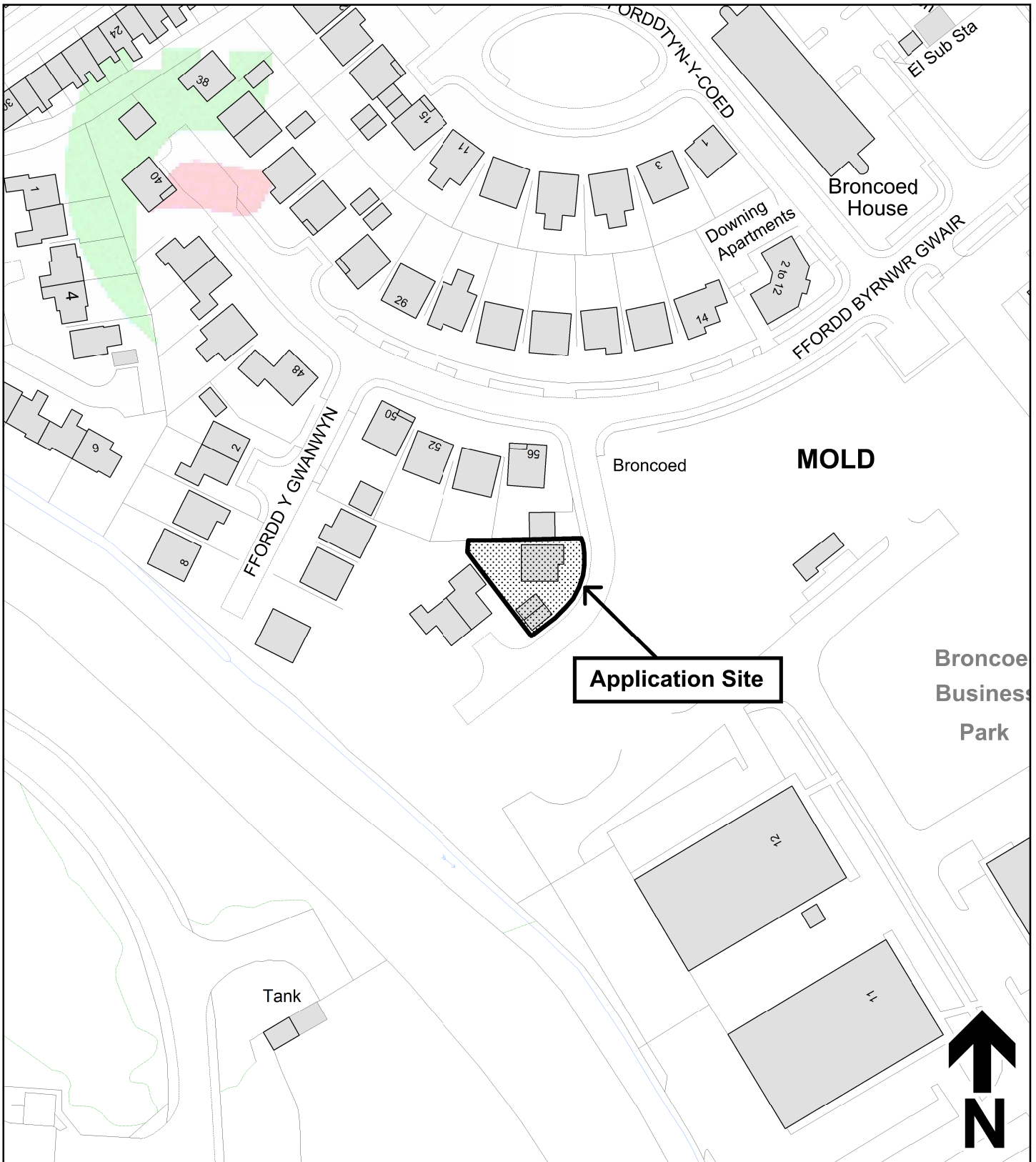
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

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