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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

30 June 2022

Maureen Potter 01352 702322
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To: Cllr Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge,
Chris Bithell, Helen Brown, Paul Cunningham,
Adele Davies-Cooke, Gladys Healey,
Dave Hughes, Paul Johnson, Richard Jones,
Hilary McGuill, Ted Palmer, Mike Peers,
Dan Rose, Linda Thew and Antony Wren

Dear Sir / Madam

NOTICE OF REMOTE MEETING
PLANNING COMMITTEE
WEDNESDAY, 6TH JULY, 2022 am 1.00 PM

Yours faithfully

Steven Goodrum
Democratic Services Manager

Please note: This will be a remote meeting. Public speakers have been asked if they would like to address the Committee in English or Welsh. The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 15 June 2022.

- 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 JULY 2022

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	064256	064256 - A - Full application for dormer loft conversion with single storey extension at 26 Muirfield Road, Buckley (Pages 9 - 16)
6.2	061368	061368 - A - Change of use of land to residential (Gypsy Traveller site). The site to contain one static caravan, one touring caravan, a water treatment plant and parking for two cars with associated hardstanding and infrastructure at land side of Ashwood House, Church Lane, Aston Hill, Ewloe (Pages 17 - 32)
6.3	061388	061388 - A - Outline - Demolition of former Police Station and Curtilage buildings and erection of 10 new build apartments and associated parking at Buckley Police Station, Mold Road, Buckley (Pages 33 - 44)
6.4	064316	064316 - A - Conversion of existing residential property to form 7 bedroom HMO (Pages 45 - 54)

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote.

At County Council and Planning Committee meetings, speakers' times are limited. A bell will be sounded to alert that the speaker has one minute remaining.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at:

<https://flintshire.public-i.tv/core/portal/home>

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PLANNING COMMITTEE
15 JUNE 2022

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 15 June 2022

PRESENT: Councillor Richard Lloyd (Vice-Chair in the Chair)

Councillors: Mike Allport, Chris Bithell, Paul Cunningham, Adele Davies-Cooke, Gladys Healey, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGuill, Dan Rose, Linda Thew, and Antony Wren

ALSO PRESENT: The following attended as local Members:

Councillor Mike Peers - Agenda item 7.2 (061507)

Councillor Steve Copple – Agenda item 7.3 (063458)

Councillor Marion Bateman - Agenda items 7.4 (063312)

APOLOGIES: Councillor: Bernie Attridge

IN ATTENDANCE: Chief Officer (Planning, Environment & Economy), Service Manager - Strategy, Service Manager - Development, Senior Engineer - Highways Development Control, Team Leader - Development Management, Senior Planning Officers, Legal Services Manager and Democratic Services Officers

01. APPOINTMENT OF VICE-CHAIR

Councillor Richard Jones proposed Councillor Mike Peers as Vice-Chair of the Committee and this was seconded by Councillor Antony Wren. No other nominations were put forward.

RESOLVED:

That Councillor Mike Peers be appointed Vice-Chair of the Committee.

02. DECLARATIONS OF INTEREST

Councillor Richard Lloyd declared a personal interest on item 7.1 (General Matters – Bretton Hall Solar Farm) as he lived near to the site location.

03. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda item on the Council's website:

<http://modgov:9070/documents/s71079/15th%20June%202022%20-%20late%20obs%20sheetV2.pdf>

04. MINUTES

The minutes of the meeting held on 30 March 2022 were confirmed as a correct record, as moved and seconded by Councillors Richard Jones and Chris Bithell.

RESOLVED:

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

05. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that no items were recommended for deferral.

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

RESOLVED:

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

07. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

None.

(The meeting started at 1.00pm and ended at 3.05pm)

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Chairman

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

PLANNING COMMITTEE ON 15 JUNE 2022

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
General Matters		Bretton Hall Solar Farm Development of National Significance: Local Impact Report - Request for Delegated Authority to Respond		That the Council's Local Impact Report, accompanying recommendations, and suggested conditions for the Bretton Hall Solar Farm Development of National Significance be delegated to officers in consultation with local members (Broughton North East and Saltney Ferry).
06507	Buckley Town Council	Outline application – residential development of up to 94 dwellings with all matters reserved except for access	Guy Evans, the agent, spoke in support of the application. Councillor Mike Peers, local ward Member, spoke against the application.	That planning permission be refused for the reasons set out in the report, in accordance with the officer's recommendation.
063458	Ysceifiog Community Council	Full Application for the erection of an extension and partial refurb at Melin Y Wern, Nannerch	James Saunders, the applicant, spoke in support of the application. Simon Stack, local resident, spoke against the application. Councillor Steve Copple, local ward Member, spoke against the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer's recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
063312	Northop Community Council	Full Application - Conversion and extension of Industrial Unit to office and warehouse at Northop Country Park, Estate Road, Northop	<p>Huw Evans, the agent, spoke in support of the application.</p> <p>A statement of objection was read out on behalf of Northop Country Park Residents Association</p> <p>Councillor Marion Bateman, local ward Member, spoke against the application.</p>	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer's recommendation.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6th July 2022**

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

SUBJECT: **FULL APPLICATION FOR DORMER LOFT CONVERSION WITH SINGLE STOREY EXTENSION**

APPLICATION NUMBER: **064256**

APPLICANT: **MR S JONES**

SITE: **26 MUIRFIELD ROAD, BUCKLEY**

APPLICATION VALID DATE: **11th MARCH 2022**

LOCAL MEMBERS: **COUNCILLOR C A ELLIS**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO CONCERNS RAISED BY THIR PARTIES.**

SITE VISIT: **REQUESTED**

1.00 SUMMARY

1.01 The application is presented as a householder application for the conversion of loft space including the formation of a dormer extension to the rear of the dwelling, together with the erection of a single storey side extension

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

2.01 T01 – Time commencement of Development
T02 – In accordance with the approved plans

3.00 CONSULTATIONS

3.01 **Local Member – Councillor C.A Ellis:** Requests Committee determination due to concerns raised over impact upon neighbouring living conditions. Also nominated Councillor Peers to deal with the matter.

Buckley Town Council: No observations

Head of Assets and Transportation: No objection

Head of Public Protection: No adverse comments

Natural Resources Wales: No objection. Advise of sites proximity to former landfill site and to consult Pollution Control.

4.00 PUBLICITY

4.01 Neighbour Notification

Three representations received. Material planning considerations are listed below and discussed in detail in the body of the report.

- Proposed scale would impact upon the character and appearance of the site.
- Impact upon living conditions in respect of loss of both privacy and light.

5.00 SITE HISTORY

5.01 None relevant

6.00 PLANNING POLICIES

6.01 **Flintshire Unitary Development Plan**

- GEN1 General requirements for development
- GEN2 Development Inside Settlement Boundaries
- D1 Design quality, location and layout
- D2 Design
- HSG12 House extensions and alterations

Supplementary Planning Guidance

- SPGN1 Extensions and Alterations to Dwellings
- SPGN2 Space around dwellings

National Planning Policies:

- Future Wales Development Plan 2020-2040
- Planning Policy Wales (PPW) Edition 11

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site comprises a detached bungalow of brick and render finish under a concrete tiled roof. The bungalow has a pitched in roof with a flat roof porch and kitchen (converted from a garage) located to the side. Off road parking is accommodated within the site, from a driveway at the front, and a private amenity area extends to the rear. Beyond the rear boundary of the site is an area of greenspace with the property being bounded on either side by bungalows of similar design and layout. It is noted that the three properties mentioned are staggered in position and do not form a straight linear frontage, however the positions are mimicked throughout the estate providing a consistent form within the streetscene. The surrounding area is residential in character consisting of predominantly bungalows. I note the presence of rear dormer extensions to the rear of nos. 30 and 32 Muirfield Road.

7.02 Proposal

The application seeks consent to erect a single storey, pitched-roof extension to the side of the dwelling and for the formation of a flat-roof dormer extension to the rear roof slope. Replacing the existing link area between the dwelling and garage, the extension would have a width of 2.71m and a length of 12.1m which mirrors the length of the existing dwelling. Having a pitched roof, the maximum height of the proposed extension is 5.9m, with an eaves height of 2.6m which represents a continuation of the existing ridgeline. White UPVC double glazed doors are proposed to the front elevation with sliding doors to the rear. 1no door and window are proposed to the side facing elevation.

The proposed dormer window would project from the ridge line of the existing dwelling by approx. 3.7m and have a width of approx. 8.9m. Central to the dormer addition is a proposed Juliet balcony with a glazed balustrade, which has an additional projection of 2m. With solid side walls, and double doors which are enclosed by a Juliet style balcony, the area formed does not represent an open platform, but gives rise to views of the rear aspect enjoyed by the site.

7.03 The Main Issues

The main issues to be considered within the determination of this planning application are:

1. Principle of the development
2. Character and appearance

3. Living conditions

7.04 **Principle of Development**

Policy HSG12 states that extensions or alterations to existing dwellings will be permitted provided that the proposal:

- is subsidiary in scale and form to the existing dwelling, and does not represent an overdevelopment of the site;
- respects the design and setting of the existing dwelling and surrounding area; and
- will not have an unacceptable impact on people living nearby.

Policies GEN1 and D1 state that development should harmonise with the site and surroundings in terms of the siting, scale, design, layout, use of space, materials, external appearance and landscaping. PPW11 introduces the concept of placemaking whose positive implementation through good design is to ensure peoples and community well-being. PPW states that good design is fundamental to achieving 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.

Having regard to the scale, form and design of the development I consider the extensions as detailed are a reasonable way for the applicant to maximise the amount of living space afforded to them without comprising the requirements of Policies D1, GEN1 and HSG 12.

7.05 **Character and Appearance**

The scale of the proposed single storey extension is subordinate in terms of floor area to that of the original dwelling and would not represent an over development of the site, with sufficient curtilage available to accommodate the extension. The proposed dormer extension is proportionate in scale to the existing dwelling, being wholly contained within the existing roof plane and set slightly back from the edges of the slope, thus appearing subservient in form and not appearing over bulky. Whilst the distance from the edge of the existing roof slope is slightly short of 750mm guidance contained in LPG no.1, the distance achieved is some 680mm which is adequate distance to ensure the proposed dormer is proportionate and balanced in the context of the rear elevation. In terms of appearance, the proposed single storey extension will utilise external finishes that are brickwork and concrete interlocking tiles that will match the existing pallet used in the construction of the existing dwelling. The design mimics the lines of the existing dwelling, and the principle of continuation has been applied which is suitable for an extension of this size. The design of the roof, wall and window detailing are in harmony with the architectural balance of the existing dwelling. The extension respects the repetitive spacing between buildings and

would fit in unobtrusively into the pattern of development. The size, type, material, finish and design of windows within the extension are well related to those on the existing house. The proposed dormer proposes the use of vertical hanging tiles which are considered the most appropriate finish for such type of development, as opposed to, for example PVC Cladding. The fenestration proposed within the rear wall of the dormer ensures an appropriate degree of punctuation so as to avoid the formation of an unsightly 'box'. Having regard to the other properties in the surrounding area which have undertaken similar loft conversions, I do not consider the proposed dormer addition would be harmful to the character and appearance of either the site or the wider area.

It is worth noting that having assessed the proposal against Permitted Development criteria the development falls short of 1 criteria, which is that a section of the proposed extension would be within 2m of the boundary with next door and over 4m height. The distance at the narrowest point is 1.1m and that is as a result of the boundary dog legging beyond the existing converted garage. In all other respects, the proposal is compliant with criteria contained within Classes A and B of Part 1 of the Town and Country Planning (General Permitted Development) (Wales) (Amendment) Order 2013.

Having regard to the above assessment, I conclude that the proposal satisfies the requirements of policies HSG 12, D1 and D2 of the Flintshire Unitary Development Plan.

7.06 Living conditions

Concerns have been raised by third parties in this regard as to the potential loss of privacy resultant from the formation of the rear dormer. Having regard to the orientation of the site, I conclude that the proposed glazing within the dormer face would have a focus rearwards allowing views over the applicants' garden and the green space beyond the rear boundary. It is unlikely, owing to the solid nature of the side dormer walls, and the orientation of the sites that an occupant would be able to overlook the neighbouring gardens over and above what would be reasonably expected. The proposed balcony is of Juliet type and therefore does not provide an open standing platform from which an adverse degree of overlooking could occur negatively impacting upon the privacy and living conditions afforded to those properties. It must be noted that a certain degree of overlooking is expected in built up areas such as this. I note that there is adequate screening along the boundary in the form of a close board fence which will reduce impact upon privacy arising for the south side facing window and door within the proposed side extension. The area outside the external door would be narrow and would not provide a communal space within which people would congregate. The ground floor window situated on the adjacent dwelling serves a bathroom which is not a habitable room upon which privacy or the natural light afforded is highly protected.

In conjunction with the two sites' orientation, and the path of travel taken by the sun from its rising in the east and setting in the west, it is unlikely that there would be unacceptable over shadowing inflicted. Accordingly, I consider that the proposal would not disrupt the living conditions afforded to neighbouring dwellings and as such the application complies with Policies GEN 1 and HSG 12 of the Flintshire Unitary Development Plan.

8.00 CONCLUSION

The proposal as presented within the application is compliant with the relevant planning policies of the development plan and my recommendation is therefore to grant planning permission.

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.

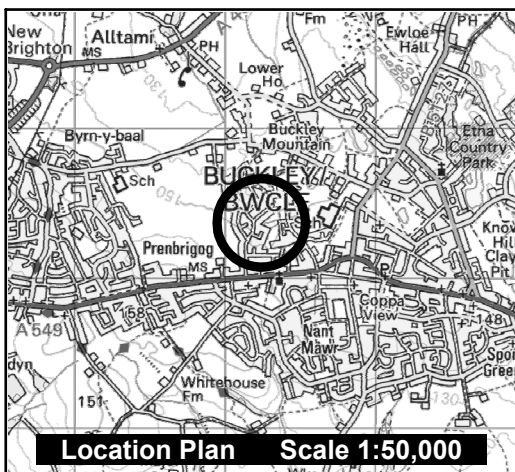
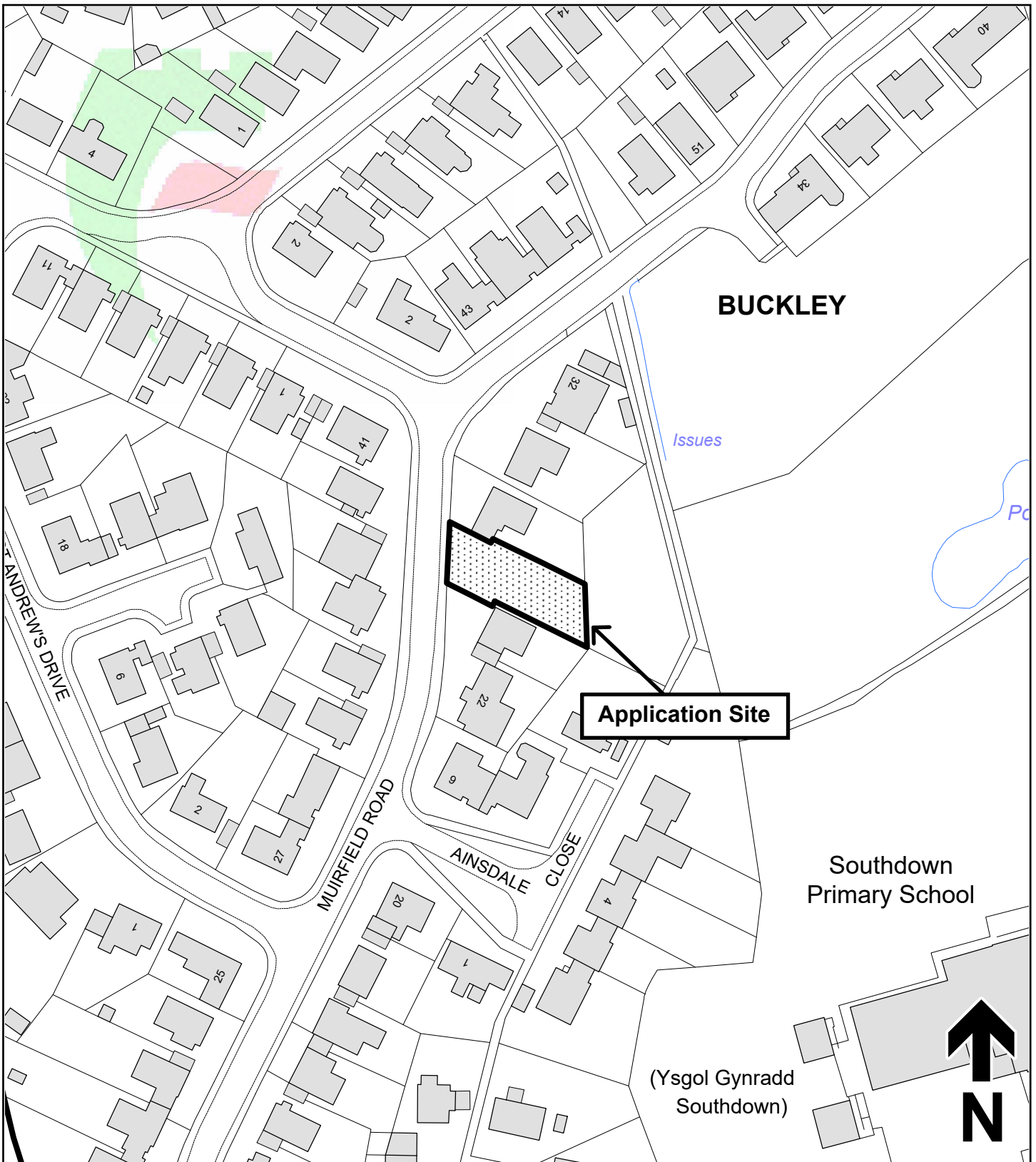
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: Jenni Perkins
Telephone: 01352 703327
Email: jenni.perkins@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 2764
Planning Application	64256

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6th JULY 2022**

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

SUBJECT: **CHANGE OF USE OF LAND TO RESIDENTIAL (GYPSY TRAVELLER COMMUNITY). THE SITE TO CONTAIN ONE STATIC CARAVAN, ONE TOURING CARAVAN, A WATER TREATMENT PLANT, AND PARKING FOR TWO CARS WITH ASSOCIATED HARDSTANDING AND INFRASTRUCTURE.**

APPLICATION NUMBER: **061368**

APPLICANT: **JAMES DORAN**

SITE: **LAND SIDE OF ASHWOOD HOUSE, CHURCH LANE, ASTON HILL, EWLOE, DEESIDE, CH5 3BF**

APPLICATION VALID DATE: **04/06/2020**

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

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

REASON FOR COMMITTEE: **CLLR REQUEST – HIGHWAYS SAFTEY, NEED, AND VISUAL IMPACT**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the Change of use of land to provide 1 Gypsy Traveller Pitch at Land Side of Ashwood House, Church Lane, Aston Hill, Ewloe, Deeside, CH5 3BF

The main planning issues are considered to be:

- i. Principle of Development

- ii. Best Interests of the Child
- iii. Adequacy of Access
- iv. Character and Appearance
- v. Living Conditions
- vi. Ecology

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

2.01 Conditions to include:

- 1. Time Limit on commencement
- 2. In accordance with approved plans
- 3. Occupation restricted to Gypsies and Travellers as defined by para 2 of Circular 005/2018
- 4. No more than 1no static pitches to be on site
- 5. Details of static units to be submitted and approved
- 6. No caravan to be brought on site until hard /soft landscaping scheme has been submitted and approved
- 7. Submission and implementation of landscaping scheme
- 8. No caravans / materials to be stored within 3m of site boundaries
- 9. Details of external lighting to be submitted and approved
- 10. Parking / turning facilities to be provided /retained
- 11. No commercial activities shall take place on the site.

3.00 CONSULTATIONS

3.01 Local Members

Cllr Helen Brown raised the following points:

- 1. Church Lane is un-adopted and extra vehicles will have a detrimental impact on the already substandard road surface
- 2. There's no unmet need within Flintshire, we currently have 14 sites within Flintshire and there are currently 2 separate planning applications to extend sites in Hope and in Ewloe. We believe there is a full planning application for the Holywell area. Also, the council will be extending its own site in Queensferry by up to 30 plots
- 3. The design is not in keeping with the other properties within the area
- 4. The point of access at Church Lane, the nearest public highway is via an unmade and un-adopted track, it's substandard at the junction layout to serve as a means of access for any further developments.

Cllr Gillian Brockley made no comment at the time of writing.

Hawarden Community Council - Supports the objections made by Cllr Brown.

Highways Development Management – The additional information provided by the Agent confirms their view that the proposal will not result in a significant increase in use of the access from Aston Hill by vehicular traffic. Therefore, on the basis that the existing equestrian use is limited to a personal permission associated with the residential use, as the Highway Authority confirm that they have no objection to the proposal and that they do not wish to make a further recommendation on highway grounds.

Housing Strategy – The Flintshire Gypsy and Traveller Accommodation Assessment (final report) April 2016 refers to an unmet accommodation need over the Plan Period for 19 additional pitches.

The Flintshire Housing Strategy states one of its priorities is “To provide the right type of accommodation for the Gypsy and Traveller community through: Ensuring the need for residential pitches are met in Flintshire working with the community”

Housing Strategy supports this application in principle as there is unmet need for gypsy/traveller pitches within Flintshire. The Council’s Gypsy Traveller Liaison Officer has not had any previous contact with this applicant so little is known about them or whether they have any local connection or long term intentions to reside in the area.

Rights of Way – Public Footpath 25 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Ecology – Agrees with the conclusions of the Ecological Report submitted that the site itself has little ecological value and the interest is limited to the hedgerow boundaries and their connectivity to other habitats. The lack of habitat within the site means it does not have value for protected species such as great crested newts and the stable block does not have potential for nesting birds or roosting bats.

The ecological management recommendations are generally acceptable particularly planting of native species such as hawthorn to bolster the existing boundary hedges, which will benefit nesting birds, although I would also recommend that soil is graded back against the steep banks where the existing roots have been exposed.

Since the site has low value for great crested newts and other amphibians I would avoid the installation of amphibian fencing which could result in further degradation of the hedgerow and to be effective requires constant maintenance and needs to surround a site. If needed reasonable avoidance measures can be undertaken during

construction. As recommended, the hedgerow corridors should be maintained as dark features and any lighting minimized.

In line with WG policy, Biodiversity enhancements need to be incorporated into the scheme. The enhancements recommended here namely bird and bat boxes and insect hotels are minor but reasonable for the scale of the proposal. However, their value will ultimately depend on the hedgerow enhancement and subsequent management and continued grazing within the paddock.

Welsh Water/Dwr Cymru – No objection to the proposed private water treatment works

Natural Resources Wales – Do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018) therefore do not have any comment to make on the proposed development. Note that the ecological report submitted in support of the above application (Phase 1 Ecology Survey, Andrassy Ecology and Land Restoration, Undated) has concluded that there is not a reasonable likelihood of protected species being present. We advise that you seek guidance from your Authority's ecologist on the findings of the report.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

Welsh Government Department for Economy and Infrastructure – Welsh Government as highway authority for the A494 trunk road does not issue a Direction in respect of this application.

Airbus – Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with their safeguarding criteria.

Clwyd Powys Archaeological Trust – Confirm that there are no archaeological implications for the proposed development at this location. The site is close to a former tramroad which lies to the south of the application boundary and will not be affected. The site has already been heavily topsoiled and ground levels altered for the existing building on this site and the access.

4.00 PUBLICITY

4.01 This application was advertised by way of Site Notices and Neighbour Notification letters to the nearest properties. In response to the public consultation exercise; the application received 95 letters of objection and 103 letters of support. In addition, a planning consultant acting on behalf of a number of local residents has submitted a number of responses including technical highways statements and legal comments from a barrister. The comments are summarised below:

4.02 Highway safety and inadequate access

In response to the original application and subsequent additional information, three Technical Note have been submitted by SCP on behalf of residents. They raise the following:

The acceptability of this access is a critical planning issue. The applicant's Access Review makes extensive reference to the guidance contained in Manual for Streets in suggesting that a more flexible approach should be taken to visibility requirements. In particular however SCP highlight that this guidance is applicable to "roads in built up areas where actual or design speeds are 60km/h (37mph) or below". A speed survey was undertaken by SCP of vehicles passing Church Lane along Old Aston Hill and 85th percentile speeds of 40.14mph was recorded for southbound traffic, with 40.44mph was recorded for northbound traffic. There is no evidence submitted by the applicant in respect of vehicle speeds.

4.03 Harm to the Open Countryside

The proposed developed does not accord with any of the listed exceptions and therefore must be considered contrary to FUDP policy GEN3. It is considered that the proposed development would have an unacceptable impact on the open countryside and is clearly contrary to FUDP policy GEN3. The Applicant has provided no evidence at all to demonstrate that this development is required in an open countryside location outside of the settlement boundary.

4.04 Gypsy and Traveller site policies and the lack of demonstrable need for the development

FUDP policy HSG14 criterion 1, which requires demonstrable need to be evidenced, is not satisfied. We would therefore expect a detailed update of the need and supply of gypsy and traveller pitches to be made available by the Council in order to inform the determination of this application.

4.05 Unsustainable location

It is apparent that the proposed development site is not sustainably located. Church Lane itself is lacking in footways and, given the absence of a northward footway alongside Old Aston Hill, the lack of pedestrian crossing here is a material safety concern. In any event the site is not close to services and amenities. These are generally beyond the 800m / 10 minute walking distance seen in Manual for Streets¹ as required for walkable neighbourhoods. The nearest primary school is located at Ewloe Green around 1.2 km away and the nearest secondary school is further still at around 1.6km away. Apart from the Church nearby all other facilities are at distances that are likely to leave dependant on car travel. As such the proposed development cannot be considered to be sustainably located.

4.06 Landscape harm

Church Lane has a quiet rural feel. There is currently a wooden stable building on site, which is relatively small at 10m long by 3.9m wide, a total of 39sqm. There are no details available of the proposed extent of hardstanding, but the static caravan alone would comprise around 6m by 14m, a total of 84sqm. The proposed development would therefore greatly increase the built footprint and would extend built development out further into the open countryside. FUDP policy D3 Landscaping states that new development will be required to include a hard and soft landscaping scheme and sets out a range of key considerations applying. The accompanying text advises “Good landscaping is an essential component of successful development”. The application does not include a landscape plan. The application is therefore contrary to policy D3 – Landscaping.

4.07 Impact on protected species

The application is not accompanied by a tree survey / ecological report and therefore it is not possible to be clear on the likely ecological impacts. These reports should be provided. In their absence, the LPA cannot lawfully engage with the relevant statutory and planning policy tests, regarding European protected species, such as Great Crested Newts.

4.08 Loss of amenity for residents including privacy and overlooking issues

There are a number of windows in the adjacent dwelling which have an outlook facing towards the application site. This will lead to a loss of privacy for the existing dwelling along.

5.00 SITE HISTORY

5.01 032791 – Outline erection of a dwelling – refused 17.09.2001

057618 - Erection of a stable block and tack room – granted
24.11.2017

058130 - Non material amendment to planning permission ref
057618 – Granted 13.03.2018

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG14 – Gypsy Sites

Policy WB1 - Species Protection

Policy WB6 - Enhancement of Nature Conservation Interests

Additional Guidance

Planning Policy Wales (PPW) – Edition 11

Future Wales Development Plan 2020-2040

Technical Advice Note 6 – Planning for Sustainable Rural
Communities

Technical Advice Note 12 – Design

Technical Advice Note 18 – Transport

Circulars

Designing Gypsy and Traveller Sites May 2015.

Circular 005/2018 – Planning for Gypsy Traveller and Showpeople
Sites

7.00 PLANNING APPRAISAL

Introduction

- 7.01 This full application proposes the change of use of approximately 0.05 hectares of land adjacent to Land Side of Ashwood House, Church Lane, Aston Hill, Ewloe, for the siting of 1 No Gypsy/Traveller pitch and 1 No communal Amenity Block/Dayroom.

Site Description

- 7.02 The site is located adjacent to the settlement boundary of Ewloe between the A494 and Old Aston Hill. Access into the site would be from the existing gateway off Church Lane, which is a private road off Old Aston Hill. The access is already in use in connection with the stable building on site.

- 7.03 The site currently consists of an area of hardcore, with a stable building sited along the north west boundary. The site is bounded by fencing and intermittent hedgerows.

Proposed Development

- 7.04 The application is for the siting of one pitch. The pitch would have a space for a static caravan, a touring caravan and hardstanding for two vehicles. It is proposed that the pitch would be occupied by a mother and son related to the applicant.

Main Planning Considerations

- 7.05 It is considered that the main issues to be taken into account in determination of this application include:
- i. Principle of Development
 - ii. Best Interests of the Child
 - iii. Adequacy of Access
 - iv. Character and Appearance
 - v. Living Conditions
 - vi. Ecology

Principle of Development

- 7.06 The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. More recently Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Show people Sites which reflects provisions contained in the Housing (Wales) Act 2014, to ensure local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.
- 7.07 Flintshire Unitary Development Plan Policy HSG14 also acknowledges the requirement for development plans to make adequate provision for the accommodation needs of gypsy families, but this policy predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis on assessing applications for Gypsy and traveller sites. The LDP has a similar criteria based policy to the UDP, and having been through the LDP Examination has resulted in its two criteria a. and b. being deleted as they do not comply with the guidance in the above Circular.
- 7.08 As these criteria relate to the need to demonstrate a proven need for a Gypsy and Traveller site, as well as there being no suitable alternatives elsewhere, and as these are also the first two criteria in UDP policy HSG14 they are no longer valid considerations and cannot be taken into account. Welsh Government raised this matter

in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites.

- 7.09 The Council has an approved Gypsy and Traveller Accommodation Assessment (2016) that is still extant for the purposes of the LDP Examination evidence base and for Development Management purposes. This shows a plan period need for 19 additional pitches. In addition the LDP has made suitable site specific provision to meet this need, made via site allocations as extensions to three existing Gypsy and Traveller sites, 1 of which is Council owned and the others in private ownership. None of these allocations have yet been confirmed by the LDP Examination Inspector and neither do they have planning permission, although applications are under consideration for the two privately owned sites, and a further application is being prepared for submission on the Council owned site.
- 7.10 Suitable provision to meet this level of identified need has therefore been identified in the LDP in compliance with the requirements of PPW, however this does not mean that newly arising need such as that presented in this application should not be considered favourably. Circular 005/2018 states that criteria based policies are required in development plans, to cater for what is in effect new or windfall demand for pitches, and the UDP and LDP have similar criteria based policies to cater for such newly arising need.
- 7.11 Paragraph 7 of the Circular advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals the guidance reference a '*Wales of cohesive communities*'. Paragraph 8 goes on to advise that '*Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities*'. In particular the guidance requires that '*...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community*'. Paragraph 12 recognises that '*Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage*'.
- 7.12 Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure 'that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met'. Paragraph 36 explains that '*when*

identifying sites the planning authority should work with the Gypsy and Traveller Community'. Paragraph 37 explains that 'issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks'.

7.13 Whilst the Circular advice supersedes criterion a. and b. of policy HSG14 of the UDP, on the basis that this would be unduly restrictive to applications such as this, the other UDP policy criteria are still relevant. These are in line with the Circular and essentially seek to assess the suitability of the location of the proposed gypsy and traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. That said, the Circular goes on to state that *'Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries'*

7.14 The circular itself provides expanded guidance at paragraph 37 in respect of the sustainability of sites and the site should be assessed in this context. Whilst not an exhaustive list, the items to consider when assessing whether or not a site is suitable includes:

- opportunities for growth within family units; the promotion of peaceful and integrated co-existence
- between the site and the local community;
- access to health and education services;
- access to utilities including water, waste water disposal and waste collection services;
- access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);
- suitable nearby or on-site safe play areas;
- contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;
- not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in
- line with guidance contained in TAN 15, given the particular vulnerability of caravans; and
- regard for areas designated as being of international, national and local importance for biodiversity and landscape

7.15 I consider that the site meets the specified criteria listed as the proposal represents development on a site in an appropriate sustainable location, on the edge of a settlement, in close proximity to a range of facilities and with access to bus transport links on a key distributor route within Flintshire.

- 7.16 The advice and guidance within this Circular provides the framework when determining this types of planning application. In my view the principle of this development is acceptable with due regard to all relevant National and Local policies and advice. The site represents a sustainable location, appropriate for the level of development proposed and in addressing a specific housing need.

Best Interests of the Child

- 7.17 As the residents of the site will include a child the proposal has been assessed with due regard to their best interests. The agent has advised that there is one child currently aged 13 who requires access to regular schooling and is in need of constant medical care.
- 7.18 It is considered that the proposal would offer the consistent access to education and health care which would be in the best interests of the child. The benefits of enabling the provision of a stable and secure environment is a material consideration of significance in the planning balance. It has been accepted by planning inspectors with rights to respect for family and private life as identified in Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights.
- 7.19 It is acknowledged that a child would live on the site were permission to be granted, and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well - being of the children. There is also a national and international obligation contained in article 3(1) of the united nations Convention on the Rights of the Child (UNCRC) "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"
- 7.20 These considerations are material in the assessment process the implications of the applicant /family of having a settled base for educational /health needs of the children needing to be considered and weighed in the balance as a primary consideration. In these circumstances the best interests of the children would be best served by occupation of the site.

Adequacy of Access and Parking

- 7.21 Consultation on the application has been undertaken with the Highway Development Control Manager who, in progression of the application, has sought additional information to ensure that there is no impact on the adopted highway.
- 7.22 The additional information provided by the Agent confirmed the Highways Officers view that the proposal will not result in a significant

increase in use of the access from Aston Hill by vehicular traffic. The site currently has permission for an unrestricted equestrian use which could result in 8 vehicle movements per day. This is comparable to residential trip rates which can vary significantly between 4 and 10 movements per day.

- 7.23 Objections have been received relating to a previous application for residential development of the site being refused on highways grounds in 2001. During the course of previous consultations for other proposed development off Church Lane, Highway consultation responses have made a specific distinction that any increase in use of the access is unacceptable. However, these comments were offered pre 2007 before the relaxation of guidance in Manual for Streets and TAN18.
- 7.24 Therefore, on the basis that the existing equestrian use is limited to a personal permission associated with the residential use, the Highway Authority, take the view that the proposed development will not result in a significant increase in the use of the access, and confirm that they have no objection to the proposal and that I do not wish to make a further recommendation on highway grounds.

Character and Appearance

- 7.25 Policy HSG14 (c) sets out that a gypsy and traveller site can only be permitted where there is natural screening or the site can be screened. The more recently published advice in the Circular sets out that sites should not be deliberately heavily screened as this gives rise to a sense of separation.
- 7.26 The site benefits from established screening to the north and west of the site, with the boundary to the east consisting of a post and rail fence. The proposal seeks to improve all boundary treatments with both hard and soft landscaping. Whilst some details have been submitted it is considered that a comprehensive landscaping scheme should be secured via condition and submitted prior to commencement of development.

Living Conditions

- 7.27 "Designing Gypsy and Traveller Sites 2015", establishes the framework for the design /layout of sites, although it does reference that this guidance is aimed at Local Authority owned or leased traveller sites. As previously indicated the site the subject of this application is promoted in a private capacity but the site layout proposed does use the basis of this guidance in designing the layout and provision of associated facilities.
- 7.28 The amended plans submitted show the location of the static and touring caravan in relation to the boundary of Ashwood House. Whilst

there is no direct interface relationship between the dwelling and proposed static unit the proposal is in accordance with the above guidance a stand-off of at least 3m from the associated curtilage boundaries

- 7.29 The proposed caravans are located away from the boundary with Ashwood House Bungalow and an enhanced boundary treatment could be secured by condition to introduce additional screening along this common site boundary which would help to safeguard the living conditions of both existing residents and proposed occupants at this location. These can be secured by the imposition of conditions if Members are mindful to grant permission for the development. This ensures that the criterion E of Policy HSG14 is met.

Ecology

- 7.30 The application is supported by an Ecological Report which concludes the site has little ecological value and the interest is limited to the hedgerow boundaries and their connectivity to other habitats. The lack of habitat within the site means it does not have value for protected species such as great crested newts. The stable block does not have potential for nesting birds or roosting bats. The application has been subject to consultation with the County Ecologist.
- 7.31 The ecological management recommendations are generally acceptable particularly planting of native species such as hawthorn to bolster the existing boundary hedges, which will benefit nesting birds. Since the site has low value for great crested newts and other amphibians the Ecologist would not recommend the installation of amphibian fencing which could result in further degradation of the hedgerow and to be effective requires constant maintenance and needs to surround a site. As recommended, the hedgerow corridors should be maintained as dark features and any lighting minimized.
- 7.32 In line with WG policy, Biodiversity enhancements need to be incorporated into the scheme. The enhancements recommended here namely bird and bat boxes and insect hotels are minor but reasonable for the scale of the proposal. In light of the above it is considered that the proposal complies with policy WB1 and WB4 subject to the inclusion of appropriate conditions as outlined above.

Hynet North West Energy Project

- 7.33 The proposal falls within the proposed Development Consent Order limit for the Hynet North West energy project. Given the footprint and type of development, the impact is a relatively minor intrusion into the Development Consent Order limit. It is considered that it is unlikely to have a significant impact on the Hynet North West project.

8.00 CONCLUSION

- 8.01 The application has been considered having regard to the relevant National and local planning policy framework and advice, it being my view that there are significant material considerations weighing in favour of the proposal and no planning policy grounds on which to oppose the principle of development at this location.
- 8.02 Subject to controls over the siting of pitches and boundary treatment associated with the proposal which can be secured by conditions, I consider the proposal is acceptable and therefore recommend accordingly.

Other Considerations

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

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

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

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

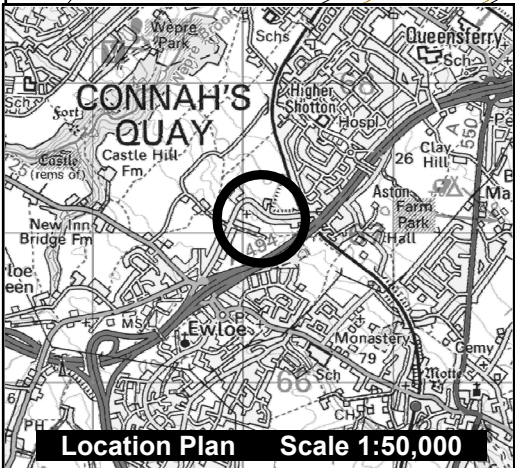
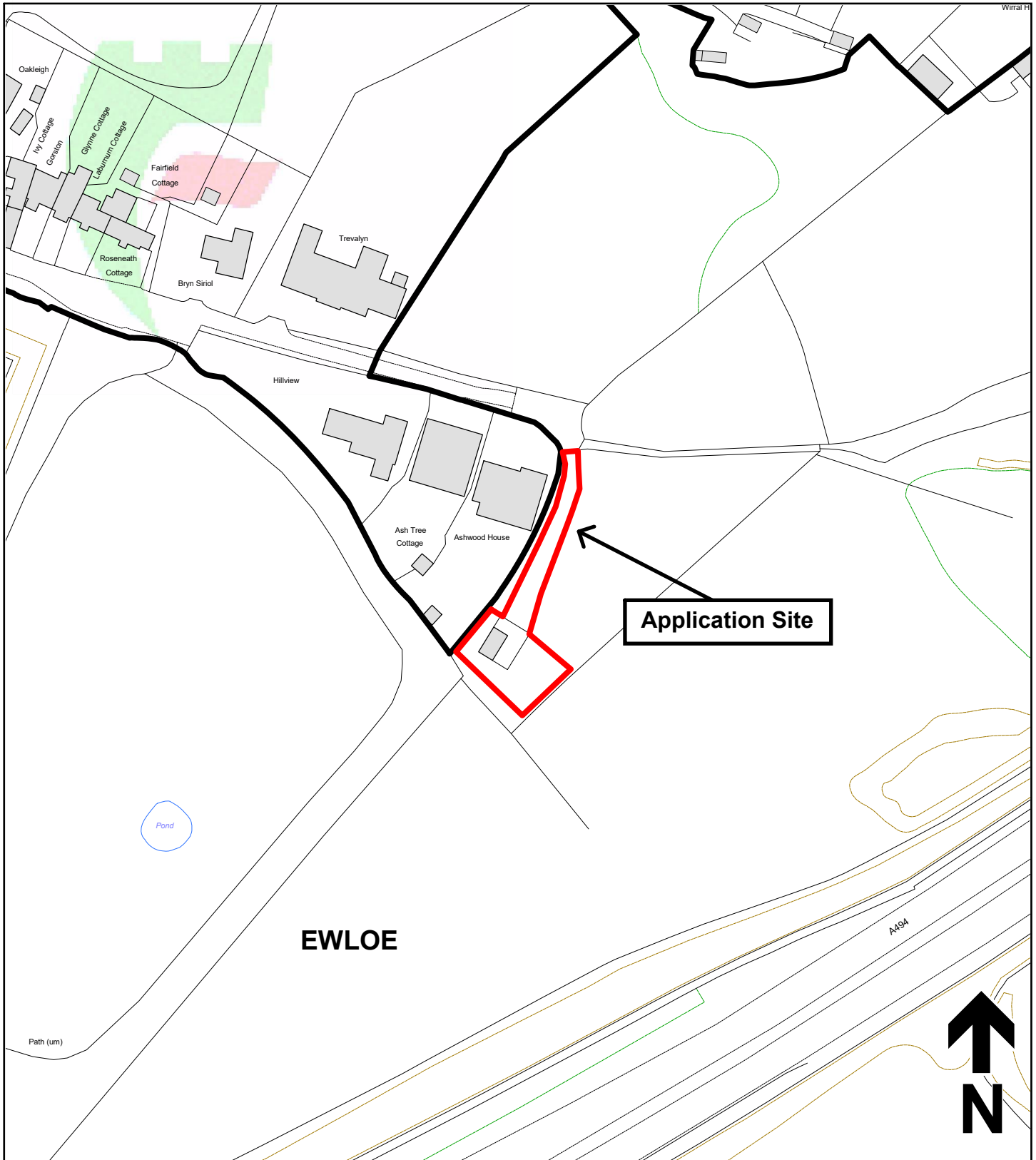
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Mr D J McVey



Telephone: 01352 703266

Email: daniel.mcvey@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	61368

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH JULY 2022**

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

SUBJECT: **OUTLINE APPLICATION – REDEVELOPMENT OF FORMER BUCKLEY POLICE STATION INCLUDING DEMOLITION OF EXISTING BUILDING AND ERECTION OF 9 NEW BUILDING APARTMENTS AND ASSOCIATED PARKING WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, LAYOUT AND SCALE.**

APPLICATION NUMBER: **061388**

APPLICANT: **MR PHILIP BARLOW**

SITE: **FORMER BUCKLEY POLICE STATION, MOLD ROAD, BUCKLEY, FLINTSHIRE. CH7 2JB**

APPLICATION VALID DATE: **9TH JUNE 2020**

LOCAL MEMBERS: **COUNCILLOR Mrs. C. ELLIS**

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER GIVEN LOCAL INTEREST AND POTENTIAL IMPACTS UPON THE SURROUNDING AREA**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 The application consists of an outline planning application for residential development 9 apartments (7no. 2bed and 2no. 1bed) on approximately 0.1ha of land. The matters for which approval is sought are access, layout and scale with appearance, and landscaping reserved for future consideration.

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

2.01 Conditions:

1. Details of the appearance and landscaping
2. Time limit to submit reserved matters
3. Time limit for commencement
4. Foul drainage to be submitted before any development is commenced
5. Enhanced double/secondary glazing to provide protection from noise
6. Existing access from Argoed Road to be permanently closed prior to first occupation of any apartment hereby approved.
7. Frontage boundary to Mold Road to not exceed 0.6m in height above nearside channel level.
8. Facilities for parking and turning of vehicles shall be provided and retained at all times within the site.
9. Construction Traffic Management Plan to be submitted before any development is commenced.
10. Notwithstanding submitted details, windows as indicated to be obscure glazed and fixed in accordance with a scheme to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member - Councillor Mrs. C. Ellis: Requests committee determination and site visit in view of level of public interest and the potential for the proposals to impact upon the surrounding areas

Buckley Town Council: Reiterates the comments of the Local Member and notes the public interest and potential impact upon Buckley Town Council Car Park.

Highways DC: Requests the imposition of conditions and supplementary notes.

Community & Business Protection: No objection in principle. Request the imposition of a condition requiring the installation of enhanced glazing to protect living conditions from noise.

Built Conservation: The overall design and massing is consistent with other buildings within its immediate environment and would not adversely affect the appearance and setting of the nearby Grade II listed Buckley Town Council Offices and Library.

Welsh Water/Dwr Cymru: Requests the imposition of conditions requiring the proposed drainage scheme to be submitted and agreed before development commences. Requests advisory notes are

included within the permission to ensure no detrimental to the existing residents or the environment and to Dwr Cymru Water's assets.

Airbus: No objection on the basis that there is no aerodrome safeguarding impact arising from the proposal.

The Coal Authority: Request that the Coal Authority Standing Advice note be attached to any permission granted.

4.00 PUBLICITY

4.01 The application was publicised via Press Notice, Site Notice and Neighbour Notifications. At the time of writing this report 6 letters have been received, 4 raising objection, 1 offering support and a final letter from The Royal Buckley Town Band seeking assurance from the developer that their use rights of nearby parking and access facilities will not be impacted as a result of the development.

4.02 Objections:

- Will afford increasing overlooking opportunities to adjacent dwellings;
- Will have an adverse overbearing impact upon adjacent living conditions;
- Will see the loss of an iconic building;
- There are insufficient amenities and local facilities to support further residential development;
- The town has seen a proliferation of apartment development; and
- Potential conflict between access and bus stop which may affect prosperity of town and reduce opportunities for local shopping.

4.03 Support:

- Will see vacant town centre site tidied up; and
- Will reduce opportunities for anti-social behaviour.

5.00 SITE HISTORY

5.01 **037955** – Upgrading access to public entrance into police station – Permitted 14.8.2004

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 New Development
Policy STR4 Housing
Policy STR10 Resources

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 HE2 Development affecting Listed Buildings & their Settings
Policy AC3 Cycling Provision
Policy AC13 Access and Traffic Impact
Policy HSG3 Housing on Unallocated Sites Within Settlement Boundaries
Policy HSG8 Density of Development
Policy HSG9 Housing Mix and Type
Policy EWP13 Nuisance

Supplementary Planning Guidance

SPGN No 9. Affordable Housing
SPGN No 11. Parking Standards

National: Guidance

Future Wales Development Plan 2020-2040
Planning Policy Wales (PPW) Edition 11
Technical advice note (TAN) 11: Noise
Technical advice note (TAN) 24: The historic environment

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site lies within Buckley Town Centre it is surrounded by a mix of retail, commercial, public and residential buildings and comprises approximately 0.1ha of land on the northern side of Mold Road. The natural ground levels across the site gradually fall by approximately 1.3m from the south (Mold Road) towards the northern boundary of the site.

7.02 A former Police Station occupies the site. It is a detached double fronted two storey rendered building set back from Mold Road. To the rear are a cluster of single storey extensions including a detached double garage. A 1m and 2m brick wall, together with 2m mesh fencing enclose the site.

7.03 Mold Road bounds the site to the south, whilst Argoed Road and a car parking area for the nearby Town Hall is adjacent the eastern boundary. On the opposite side of Argoed Road are 2 and 3½ storey properties. To the west of the site a row of two storey commercial properties with an external storage area for a builder's merchants behind. A car parking area, electrical substation and telecommunications mast are immediately to the north.

7.04 The Proposals

The application consists of an outline planning application for residential development (9 apartments 7no. 2bed and 2no. 1bed) on approximately 0.1ha of land. The matters for which approval is sought are access, layout and scale with appearance and landscaping reserved for future consideration.

7.05 The existing access off Mold Road would be improved to provide pedestrian and vehicular access to the residential development. Visibility splays of 89m and 85m to the east and west respectively would be provided. There would be 10 off-street car parking spaces for the 9 apartments.

7.06 The new apartment building is set back from Mold Road by approximately 23m. The car parking provision is at the front with the apartment building siting at the rear of the site behind the buildings fronting Mold Road. Amenity spaces are provided at the front and rear of the building.

7.07 The 9 apartments are arranged over two and three storeys. As the final appearance of the proposed building would have a maximum height, width and length of 10.5m, 14.8m and 29.4m respectively. The lower heights of the building are 9.35m, 8.5m and 8m.

7.08 Main Issues:

The main issues to be considered in determination of this planning application relate to:

- a) Principle of the development, having regard to the Development Plan;
- b) Impact upon the setting of the nearby Listed Building;
- c) Impacts upon the character and appearance of the area;
- d) Impact upon existing nearby living conditions; and
- e) Access and Parking.

7.09 Principle of the Development

The proposed development 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 general market housing on unallocated sites is acceptable under Policy HSG3.

7.10 In addition to Policy HSG3, Policies GEN1, D1, D2 and HE2 require residential development to harmonise with the site and surroundings; not have a significant adverse impact on townscapes, built heritage or the historic environment; and not adversely affect the living conditions of nearby residents. These requirements are consistent with the main considerations in relation to this application.

- 7.11 Given the location of the site in a Category A settlement, the application site is considered to be in an accessible and sustainable location as public transport options are directly adjacent to the site and local services and amenities are all available within reasonable walking distance.
- 7.12 Impact upon the setting of the nearby Listed Building
The site is located adjacent to the Buckley Town Council Offices and Library, which is a Grade II listed building. The proposed new building would be set back at the rear of the site with the front utilised for car parking. The set back from Mold Road opens up the entire frontage of the site resulting in the listed asset becoming more visible from Mold Road, particular when approaching from the west.
- 7.13 It is considered that the overall design and massing is consistent with other buildings within its immediate environment and it would not adversely affect the appearance and setting of the grade II listed Buckley Town Council Offices and Library. As such, I am content that the proposal satisfies policy HE2 and the guidance set out within TAN24.
- 7.14 Impacts upon the character and appearance of the area
It is considered that the overall design and massing of the proposed apartment building is consistent with other buildings within its immediate environment. The development makes the most efficient use of available land and reflects the characteristics of the site and surrounding area without compromising the quality of the living environment.
- 7.15 The proposal provides a mix of 1 and 2 bedroomed apartments to contribute to a mixed and socially inclusive community. As the site is less than 1ha and the number of dwellings is less than 25, there is no requirement for the provision of affordable housing through this scheme.
- 7.16 The proposal therefore satisfies UDP policies HSG8, HSG9 and HSG10.
- 7.17 Impact upon existing nearby living conditions
It is of fundamental importance that the living conditions of the surrounding can be safeguarded. It is noted that Community and Business Protection colleagues have advised that risk to living conditions occasioned by noise likely to arise given the location of the site within a town centre can be mitigated by a scheme of enhanced glazing. It is proposed to condition accordingly and therefore, in this regard, the requirements of policy EPW13 and the advice set out in TAN 11 are satisfied.
- 7.18 It is noted that the properties most likely to be affected by the proposals are those on Mold Road to the west of the site, and those

on Argoed Road to the east. There are 2no. apartments located within the former fire station building to the east of the site. It is noted that the west facing elevation of those apartments has windows to a living rooms at ground floor and windows to a landing, kitchen and bathroom at first floor level. Having regard to the guidance set out in SPGN2, the living room would meet the definition of a habitable room but the rooms at first floor level would not.

- 7.19 I note that a boundary wall of approx. 2.5m metres is proposed upon the northernmost part of the eastern boundary of the site which together with the high level landscaping proposed along this boundary would ensure that there is no direct visibility between the bedroom windows in the east facing elevation of the northernmost apartment. Accordingly, I consider the separation of between 13.9m and 14.6m in this area would be considered acceptable, meeting the guidance for such separation to be 12m.
- 7.20 Turning to consider the south facing elevations of the apartments at the former fire station building, I note that the apartments within this elevation provide a bedroom at ground floor level and a living room at first floor level. Both of these rooms would meet the definition of a habitable room within SPGN2. The guidance suggests that the distance in such circumstances should be 22m where there is direct overlooking possible,
- 7.21 I have noted that the proposals would provide for an apartment at ground, first and second floor levels with living room and bedroom windows within the eastward facing elevation. The second storey apartment would also provide for a bathroom window. However, considering that the relationship between the living room windows proposed in each proposed apartment, and the existing windows in the existing apartments is very oblique, I do not believe that direct overlooking is possible from these windows. Accordingly, the 13.1 m of separation is considered acceptable.
- 7.22 In consideration of the fact that the bedroom windows in each of the 3 proposed apartments would potential result in unacceptable direct overlooking of the existing apartments, the design of the proposed apartments has been amended. The design has also incorporated amendment to the proposed bathroom window at second floor level. These amendments have introduced 'oriel' style windows which provide a combination of an obscure glazed panel and a clear glazed component which is angled away from the existing apartments. As a consequence, there is no direct overlooking of the existing apartments possible.
- 7.23 Accordingly, in respect of the relationship between the proposed apartments and the existing apartments to the east, I am satisfied that no unacceptable overlooking arises and the proposals are broadly compliant with Policy GEN1.

- 7.24 I am also mindful that, notwithstanding that the vast majority of the land to the west of the site is in commercial use, there is a residential dwelling to the rear of the commercial premises at 16 Mold Road, adjacent to the application site. I am also mindful of concerns raised in response to consultation in this regard.
- 7.25 I have noted that the principal windows serving the proposed kitchen/living room in the westward facing apartments could potentially overlook habitable rooms at 16 Mold Road. I note the separation is of the order of 16m and the relationship is not direct, but is not so oblique that I would not consider there to be a potential impact. Accordingly, I am minded to condition that, notwithstanding the submitted particulars, these windows shall be obscure glazed and fixed in accordance with a scheme to be submitted and agreed. I have also noted concern raised in respect of the proposed location of the bin store. I consider this location is acceptable as the bin store is an enclosed building and the details of the boundary in this location will be provided as part of the landscaping proposals Reserved for subsequent approval.
- 7.26 Therefore, subject to the suggest condition, I consider the proposals are broadly compliant with Policy GEN1.
- 7.27 I have also considered whether adequate amenity areas are provided as part of this scheme. The amenity areas are split between the north and south of the apartment building, amounting to approximately 190m². Given that SPGN2 does not provide guidance in this regard, I consider that as areas are available at either end of the site, there is adequate provision of amenity space.
- 7.28 Access and Parking
The existing access off Mold Road would be improved to provide pedestrian and vehicular access to the residential development. Visibility splays of 89m and 85m to the east and west respectively would be provided. There would be 10 off-street car parking spaces for the 9 apartments. No objections have been raised by Highways DC to either the proposed access and car parking, or the positioning of the same in relation to the existing bus stop on Mold Road.
- 7.29 Therefore, it is considered both the access and car parking are adequate and in accordance with policy AC13 and AC18.

8.00 CONCLUSION

- 8.01 The application proposes the erection of 9no. apartments on the site of the former Police Station, Mold Road, Buckley. Given that the surrounding neighbourhood is made up of a variety of forms and scale of development. The provision of an apartment building of 3 storeys would accord with the character of the area. Additionally, the

proposed for residential development located within a Category A settlement boundary is considered acceptable.

- 8.02 Given the proximity of the site to a Grade II listed building, the location and design of the building should be carefully considered to protect the setting of the listed building and comply with policy and planning guidance.
- 8.03 In conclusion, as the principle of residential development is acceptable at this location, and the details of those matters for consideration as part of this Outline application are broadly compliant with the applicable policies and guidance, the application is recommended for Conditional Permission.
- 8.04 Other Considerations
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.05 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6th JULY 2022**

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

SUBJECT: **FULL APPLICATION- CONVERSION OF EXISTING RESIDENTIAL PROPERTY TO FORM 7 BEDROOM HMO**

APPLICATION NUMBER: **064316**

APPLICANT: **WALSH INVESTMENT PROPERTIES**

SITE: **"ROMAN CATHOLIC PRESBYTERY", BRUNSWICK ROAD, BUCKLEY, FLINTSHIRE**

APPLICATION VALID DATE: **23RD MARCH 2022**

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

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

REASON FOR COMMITTEE: **PUBLIC INTEREST, RESIDENTS RAISING CONCERNS, HMO PROPOSAL IN RESIDENTIAL AREA WITH ACCESS CONCERNS.**

SITE VISIT: **YES. FOR THE COMMITTEE TO SEE THE PROPOSAL IN ITS LOCATION.**

1.00 SUMMARY

1.01 This is a full application for the conversion of existing residential property to form 7 bedroom HMO at "Roman Catholic Presbytery", Brunswick Road, Buckley, Flintshire.

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

- 2.01
1. Time Limit
 2. In accordance with approved plans
 3. Single occupancy rooms only

4. Refuse management scheme to be submitted and adhered to
5. No surface water shall be allowed to drain directly or indirectly to the public sewerage system.
6. Scheme of cycle storage to be provided and installed prior to occupation

3.00 CONSULTATIONS

3.01 Local Members Cllr Peers & Cllr D Hutchinson (joint response):

- The number of occupants has not been specified. Concern over over-occupancy. 7 bedrooms could potentially house 14 persons so the occupancy level to be established.
- The bin storage area may be inadequate given the 7no rooms at the property. Number of residual & recycling requirements not known to cover residual, recycling, and food waste.
- Comments from residents is that the bin storage area, once the number of bins / waste and recycling requirements are known, may be better being collected from a storage area at the front of the property.
- No management plan is advised for the management of the HMO
- 3 parking spaces are advised but need to consider the accumulative effect of simultaneous building both sides of the application site with vehicle spaces and impacting on existing unadopted road. Concern over displacement of a possible 4 cars or more on this application if each room occupier(s) has a vehicle with potential parking in the lane to rear of site causing obstruction. The design and access statement in determining the calculation for parking refers to the rooms as “flats”. These are “rooms” in an existing property and are not purpose-built flats in that regard.
- Drawing no. 21.EXT-012-04 has a bedroom window (upstairs Rear Right) now with restricted light due to
- adjacent development. Concern of loss of light and potentially inadequate daylight.
- On the proposed and existing floor plans it shows a “living room” to the rear of the property which residents advise has only recently been built onto the property. Could this application then in part be retrospective? And therefore, a reconsultation?
- The amenity area on drawing 21.EXT-012-01 could be considered to be inadequate. Planning officers to consider adequacy.

Buckley Town Council: No observations

Head of Assets and Transportation: I advise that there is no specific requirement in the LPGN which prescribes parking provision for HMOs. However and as you will be aware, in an Appeal Decision notice for a similar application in Flintshire the Inspector stated; “The appellant has, however, estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on

the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it nonetheless provides an evidenced indication of the likely traffic generation of an HMO.”

Using the same argument, the current Application for a 7 bed HMO would require 2.8 no parking spaces where 3 spaces would be required to serve a 4 bed dwelling. On this basis, in consideration of the property’s sustainable location and proposed parking provision (4 spaces), I do not believe that a recommendation of refusal on the basis of a lack of parking facilities may be justified at appeal.

As the Highway Authority I therefore confirm that I have no objection to the proposal and that I do not wish to make a recommendation on highway grounds.

Community and Business Protection: No adverse comments

Education and Youth: As the development concerns one unit there will be no contributions sought on behalf of Education & Youth.

Welsh Water/Dwr Cymru: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Natural Resources Wales: We have no objection to the proposed development as submitted

CPAT: Having checked the information held within the Historic Environment Record I can confirm that there are no impacts to any recorded archaeology for Flintshire Planning Application 064316 at Roman Catholic Presbytery Brunswick Road.

4.00 PUBLICITY

4.01 Neighbour Notification

1 Letter of objection received:

- Lack of Parking
- Lack of Amenity Space
- Damage to private way from HGV vehicles involved in conversion work and adjacent building work

5.00 SITE HISTORY

5.01 None Relevant

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1- General Requirements for Development

7.00 PLANNING APPRAISAL

7.01 Proposal

- 7.02 The proposal seeks to convert an existing 4 bedroom residential property in Buckley, to a 7 bedroom House of Multiple Occupation. There are no external changes proposed to the property. The internal changes include rearrangement of the internal rooms to provide the extra bedrooms at ground floor level.

- 7.03 A reference to the existing extension has been received as part of the consultation exercise. This work was completed prior to the submission of the application, although it is not clear exactly when this work was carried out. As the application is being made for the building in its extended form I am satisfied that the application is valid.

7.04 Principle of Development.

- 7.05 The site is located within the settlement boundary of Buckley in the Flintshire UDP. Buckley is a category A settlement, and is considered to be a sustainable location for development with good access to local facilities and services. The site is located on a bus route in close proximity to the town centre and with good transport links to neighbouring settlements.

- 7.06 Planning Policy Wales 11 identifies the need to facilitate a range and choice of housing to respond to the change in household need, such as the predicted increase in single person households over the next 20 years. Houses of Multiple Occupation are a burgeoning market within the housing sector that seeks to address this change in housing need.

- 7.07 The proposed use is a residential use and is located in a sustainable area that is appropriate for this type of use. There are no policy objections to the proposal

7.08 Impact upon parking

- 7.09 The existing parking provision is catered for by parking spaces to the rear of the property. The site is located close to Buckley town centre, with good transport links in close proximity.

- 7.10 The Highways Authority consider that the parking requirement for this HMO would be 2.8 parking spaces. The proposal shows that 4 spaces

can be provided to the rear of the site, which exceeds the required amount.

7.11 I do not consider that the proposal would unacceptably add to any parking need given the numbers catered for by the HMO and the existing local transport options.

7.12 Objections have been received regarding the potential impact of the proposal on the existing private access way. I consider that a material factor to weight against this objection is the lawful use of the site as a 4-bedroomed single dwelling. Given the research presented to me with this application and accepted by the Highways Authority that demonstrates that HMOs typically have far less car parking requirements than other forms of dwellings I do not consider that a great deal of weight can be given to these objections.

7.13 **Sustainable transport options**

7.14 The property is well served by local public transport options. It is noted that there is a bus stop immediately to the side of the property in front of Bargain Booze.

7.15 There is sufficient space on site to allow for secure bike storage to encourage the use of other sustainable forms of travel. The site is within easy bicycle range of major employment areas. .

7.16 **Visual Impact**

7.17 The property is a brick built dwelling typical of the area. There is an existing extension to the rear of the property, erected prior to the application being made. As no further external changes are proposed I do not consider that the development would cause any detriment to visual amenity.

7.18 The extension, which will provide a shared living room, a Utility room and shower room to the property, is single storey and brick built and is appropriate in scale and form to the dwelling itself and

7.19 **Living Conditions**

7.20 It is not considered that the development would increase any amenity issues beyond the use of the house as a private dwelling. There are no issues of adverse overlooking or a loss of privacy as a result of the proposal.

7.21 Third party concerns have been raised regarding the amount of amenity space provided by the proposal. After the external space taken up by the parking areas, bin store and cycle storage there is approximately 16 square metres of grass as well as some incidental hard landscaping. This is well short of the standard applied to a standard residential dwelling. It should be noted, however, that the

guidance allows for these standards to be relaxed depending on the particulars of the proposal. A HMO operates in a different way to a family home, for example, and in these circumstances I suggest that a lesser standard is acceptable. It is also significant that the available garden area is extremely small for the current lawful use as a four bedroom dwelling and the proposal itself does not significantly reduce the available garden area. Given the above I consider that the available amenity space is acceptable and allows for an area for residents to sit, or dry clothes etc.

- 7.22 No details have been given with regards to the Management of the site. In the submission the applicant makes the point that this is a consideration given by the Licensing authority when issuing the necessary permits for HMOs. As any condition requiring the prior submission of a management scheme would replicate other legislative controls I consider that it would be unnecessary and would therefore fail one of the tests to be applied to valid conditions in the appropriate Circular.
- 7.23 The Local Members have raised a concern regarding a loss of light to the bedroom window (upstairs Rear Right) as a result of the building currently being erected in the neighbouring plot. This room is currently a bedroom and in effect its use is unchanged as a result of the proposal. I do not consider that this is a matter that should be given a lot of weight in the consideration of the use given the existing situation. The room is served by a large window which will allow natural light into the bedroom.
- 7.24 **Other Matters**
- 7.25 Conditions are suggested to ensure that suitable provisions are made for the storage and collection of waste from the site. Also in order to ensure that a wider range of sustainable transport options are available to the residents of the HMO a scheme to require secure bicycle storage at the site is also proposed to be imposed as a condition. Areas for bin storage and cycle storage are identified in the site plan but a condition will ensure it is installed and available for use by residents upon occupation of the site.
- 7.26 The Local Members make the point that a 7 bedroom HMO could potentially house 14 adults. In order to ensure that the residency is kept at a more appropriate level given the size of the property and proximity to neighbours it is suggested that a single occupancy condition is applied to any permission. This condition has been applied on other, similar development. I consider that this condition is reasonable and enforceable.

8.00 CONCLUSION

I consider that this premises is an appropriate location for a single HMO. I find that there would be no material difference in its operation as a lawful dwelling from the point of view of its impact upon local amenity, and the character of the area. The proposal is acceptable with regard to the development plan policies and other material considerations 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.

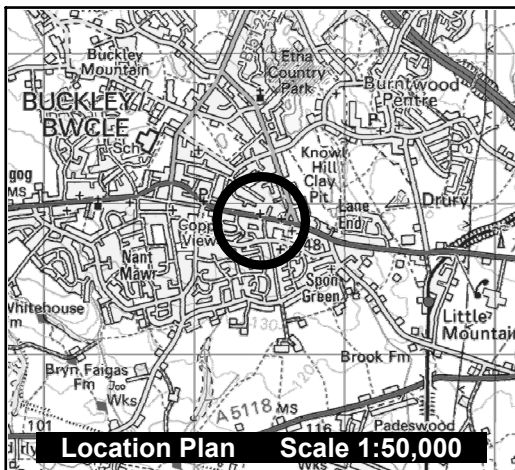
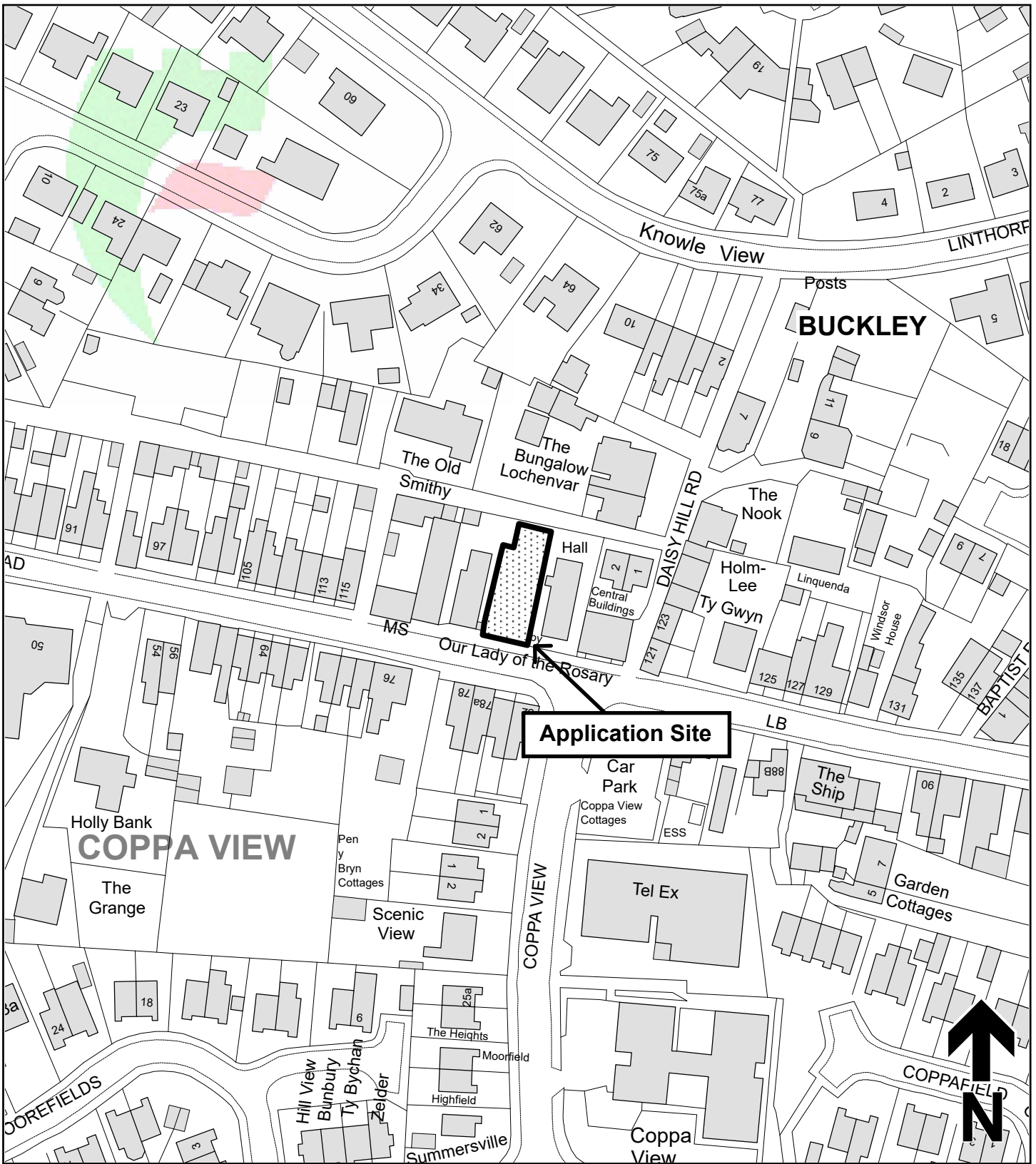
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Responses to Publicity

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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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Planning Application **64316**

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