

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 3 NO. TWO BED AFFORDABLE HOUSES AT LLYN Y MAWN INN, BRYNFORD.**

APPLICATION NUMBER: **054523**

APPLICANT: **MR R PIERCE**

SITE: **LLYN Y MAWN INN, BRYNFORD.**

APPLICATION VALID DATE: **16.11.15**

LOCAL MEMBERS: **COUNCILLOR M WRIGHT**

TOWN/COMMUNITY COUNCIL: **BRYNFORD**

REASON FOR COMMITTEE: **S106 FOR AFFORDABLE HOUSING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an application for the erection of 3 two bedroom affordable dwellings at land to the rear of the Llyn y Mawn public house in Brynford. It is considered that there is an identified local need for the proposed 3 dwellings. The affordability of the dwellings can be secured by legal agreement. It is not considered that the siting of the dwellings would have a detrimental impact on the amenity of surrounding occupiers.

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

2.01 The applicant entering into a S106 agreement/unilateral undertaking or earlier payment for the following contributions;

- £733 per unit for recreation enhancements in lieu of on-site provision towards improvements at Brynford Village Green; and
- Ensuring that the properties are sold at 70% of the market value at time of sale; or
- The properties are rented at an affordable rent at the Local Housing Allowance (LHA) rate for the area

1. Time Commencement.
2. Plans.
3. Surface water, Foul drainage and Land drainage.
4. Materials.
5. Finished floor levels.
6. Provision and retention of parking spaces.
7. Enhanced glazing solutions, including provision for mechanical ventilation for the bedrooms facing the A55.
8. Land contamination assessment.

3.00 CONSULTATIONS

3.01 Councillor M Wright
No response received.

Brynford Community Council

No objections subject to the provision of £733 per unit for enhancement of open space for improvements to Brynford Village Green.

Highways Development Control Manager

No objection subject to a condition requiring parking facilities to be provided and retained.

Public Protection Manager

No objections in principle. However the site is in an area of known historical lead mining. A land contamination investigation is therefore required by condition.

In addition the site is adjacent to the A55 and as such is subject to traffic noise. A Noise Assessment has been undertaken, which confirms that the noise levels at the site are significant and would put the site in Category B NEC TAN 11 for day time and Category C for night time. While Category C means planning permission should not be granted for noise sensitive developments this can be mitigated in certain situations. In this instance it is considered that mitigation can be

achieved to make the noise levels for both the external courtyard and internal living rooms and bedrooms to be within adequate levels.

It is advised that a condition is imposed to secure the proposed enhanced glazing solutions, including provision for mechanical ventilation for the bedrooms facing the A55.

Welsh Water/Dwr Cymru

There is a foul sewer in the area however landowners consent would be required to connect into it, however a private system is proposed for foul sewerage and the surface water is to be dealt with by soakaway therefore they have no comments to make.

Natural Resources Wales

No objection.

Welsh Government Highways

Requested a noise assessment be carried out. Following the noise assessment a direction is not issued in respect of this application.

Play Unit

A contribution of £733 per unit in lieu of on-site provision towards improvements at Brynford Village Green.

Housing Strategy

The need on the Grwp Cynefin register shows 5 applicants on the affordable housing register. Three applications are registered for shared ownership requesting 2 bedroom properties and 2 registered an interest in affordable rent requesting 1 bedroom and 2 bedroom properties.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

1 objection on the grounds of;

- Loss of privacy, overlooking to back garden
- Habitable rooms overlooking property
- Noise associated with increased number of residential properties
- Overdevelopment – 4 properties in Llyn y Mawn already
- Traffic to and from the site and parking could lead to pedestrian safety
- Style and type of dwellings are out of character with the area, all detached properties no terraced

5.00 SITE HISTORY

5.01 051656 - Approval of details reserved by condition nos. 3 (landscaping scheme) and 5 (parking and turning of vehicles)

attached to planning permission ref: 49641 Approved 18.02.14

049641 - Conversion of former public house with associated living accommodation to four dwellings of which three are for affordable rental housing Approved subject to legal agreement 29.08.13

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development
Policy STR4 – Housing
Policy GEN1 – General Requirements for Development
Policy GEN2 – Development Inside Settlement Boundaries
Policy D1 – Design Quality, Location and Layout
Policy D2 – Design
Policy D3 – Landscaping
Policy HSG3 – Housing on unallocated Sites Within Settlement Boundaries
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
EWP12 – Pollution
EWP13 – Nuisance
EWP16 – Water Resources

It is considered that the application complies with the above policies.

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This is an application for the erection of three 2 bedroom affordable dwellings at land to the rear of the Llyn y Mawn public House in Brynford.
- 7.02 Site Description
The site is located to the rear of the former Llyn y Mawn public house which has been converted into 4 apartments. To the north is agricultural land. To the west of the site is the dwelling Hafan y Mor which overlooks the Llyn y Mawn at first floor with dormer windows. To the east is an agricultural shed and access and then the A55 expressway which is at a higher level. Access to the site is to the east of the Llyn y Mawn.
- 7.03 Proposed Development
It is proposed to erect a terrace of three two storey 2 bedroom properties. The dwellings are render with a tiled roof. The existing access would be used with 2 parking spaces for each dwelling located at the front of each plot. The dwellings would be orientated east to west. The site would be served by a private treatment plant for the foul sewerage.

7.04 Issues

Principle of Development

The application site is within the settlement boundary of Brynford which is a Category C settlement within the Adopted UDP. Policy HSG3 requires that all development within a Category C settlement should be for a proven local need and cumulatively does not result in over 10% growth since 2000. As of April 2015 the growth for Brynford was 6.7%. Although the growth rates are now not relevant as we are outside the timeframe of the UDP, the local need requirement is still relevant in order to control growth in smaller villages. An assessment of whether the settlement could accommodate an additional 3 dwellings in terms of the impact on services and sustainability is also required.

7.05 The dwellings are proposed to be for affordable ownership. A S106 agreement would be required to ensure that the dwellings are sold at 70% market discount.

7.06 Local housing need is a fluid situation and has changed over the course of the pre-application and application timeframe. There are currently 5 applicants on the affordable housing register. 3 for shared ownership for 2 bedroom properties and 2 for affordable rent for 1 bedroom and 2 bedroom properties. It is therefore considered that there is a need for discount market houses as proposed.

7.07 The Llyn y Mawn has been converted into 4 dwellings, 3 of which are for affordable rent and are fully occupied. This is controlled by the S106 agreement. It is considered that it would be appropriate for the S106 agreement to refer to both types of tenure as the register shows the need for both and in order to allow for any changes in the nature of the requirements on the register.

7.08 Impact on residential Amenity and Space Around Dwellings

The proposed dwellings are to the rear of the Llyn y Mawn which has been converted to residential use and adjacent to Hafan y Fron. The dwellings are sited so that the principle elevations face north east and south west. The elevation which faces the Llyn y Mawn is therefore a blank gable end. The Llyn y Mawn is single and two storey. The separation distances are in excess of 12 metres. This element of the Llyn y Mawn is also single storey. The remainder of the Llyn y Mawn units would overlook the parking areas.

7.09 The dwelling of Hafan y Fron has first floor dormers which overlook the Llyn y Mawn and the application site. Due to the location of this dwelling however there would be no direct overlooking from habitable rooms to habitable rooms. The gardens of the proposed dwellings are sloping up to the boundary fence with the adjacent dwelling.

7.10 Noise

The site is adjacent to the A55 expressway. A Noise Assessment was undertaken as part of the planning application at the request of Welsh Government Highways. This has been assessed by both Welsh Government and Public Protection.

7.11 This confirms that the noise levels at the site are significant and would put the site in TAN 11 Category B NEC for day time and Category C for night time. While Category C means planning permission should not be granted for noise sensitive developments this can be mitigated in certain situations. In this instance it is considered that mitigation can be achieved to make the noise levels for both the external courtyard and internal living rooms and bedrooms to be within adequate levels. This would be through the requirement for enhanced double glazing.

7.12 It is advised that a condition is imposed to secure the proposed enhanced glazing solutions, including provision for mechanical ventilation for the bedrooms facing the A55.

8.00 CONCLUSION

8.01 It is considered that there is an identified local need for the proposed 3 dwellings. The affordability of the dwellings can be secured by legal agreement. It is considered that the siting of the dwellings would not have a detrimental impact on the amenity of surrounding occupiers.

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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