

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **30th MARCH 2022**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF EXISTING BUNGALOW AND OUTBUILDINGS AND ERECTION OF 3 NO NEW DWELLINGS**

APPLICATION NUMBER: **063741**

APPLICANT: **MR G & R VAUGHAN**

SITE: **26 QUEENSWAY
SHOTTON
FLINTSHIRE**

APPLICATION VALID DATE: **3/11/21**

LOCAL MEMBERS: **COUNCILLOR S BIBBY**

TOWN/COMMUNITY COUNCIL: **SHOTTON TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ADDRESS HIGHWAY, OVERDEVELOPMENT AND ECOLOGICAL CONCERNS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application proposes the demolition of an existing bungalow and associated outbuildings at 26 Queensway, Shotton, and redevelopment of the site by the erection of three bungalows.
- 1.02 The application has been resubmitted following refusal of a recent application under 060481 on 21st May 2021, for four dwellings on the site, given concerns in relation to overdevelopment and impact on ecology

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

2.01 That subject to the applicant entering into a Section 106 Obligation or making an advance payment of £1100 per dwelling in lieu of on-site recreational provision, with the monies being used to improve junior play provision at King George Street Play Area, that planning permission be granted subject to the following conditions:-

1. Time Limit for commencement
2. In accordance with approved plans
3. Materials to be submitted and approved
4. Existing and proposed site and finished floor levels to be submitted and approved
5. Scheme for the construction of the 1.8m wide footway along the site frontage linking Queensway with Garden Way to be submitted and approved
6. Surface of Rights of Way to remain undisturbed until necessary diversion or extinguishment has been approved.
7. Boundary wall along Garden Way and any planting within 0.5m not to exceed 1m in height
8. Positive means to prevent surface water run-off to be submitted and approved.
9. Construction Traffic Management Plan to be submitted and approved
10. Development to be carried out in accordance with conclusions of Ecological Appraisal
11. Scheme for disposal of foul and surface water drainage to be submitted and approved.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor S Bibby
Request Planning Committee determination in order to address concerns in relation to highway safety, overdevelopment and ecology

Shotton Town Council
No response received at time of preparing report

Highway Development Control Manager
Following receipt of amended plans, raise no objection to the development subject to the imposition of conditions.

Community and Business Protection

No adverse comments

Public Rights of Way (PROW)

Public Footpath No 4 abuts the site but appears unaffected by the development. The path must be kept free from interference during the construction

Welsh Water/Dwr Cymru

Request that any permission includes a condition in respect of foul and surface water drainage.

Council Ecologist

Raise no objections following submission of an ecological survey of the site and associated recommendations contained within it to secure appropriate management and mitigation. Recommend that these details be secured by condition.

Natural Resources Wales (NRW)

No objection

4.00 PUBLICITY

- 4.01 Site, Notice, Neighbour Notification
No responses received

5.00 SITE HISTORY

- 5.01 060481 – Removal of existing bungalow and outbuildings and erection of 4 No semi -detached dwellings
Refused 21st May 2021

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 & Layout.
Policy D2 – Design.
Policy D3 – Landscaping.
Policy TWH1 – Development Affecting Trees & Woodlands.
Policy WB1 – Species Protection.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.
Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.
Policy HSG11 – Affordable Housing in Rural Areas.
Policy EWP17 – Flood Risk.
Policy IMP1 – Planning Conditions & Planning Obligations.

Supplementary / Local Planning Guidance (SPGN / LPGN)

SPGN 2 – Space About Dwellings.
SPGN 3 – Landscaping.
SPGN8 – Nature Conservation and Development
SPGN11 – Parking Standards
Local Planning Guidance Note 13 – Open Space Contributions

National Planning Policies and Guidance

Planning Policy Wales (PPW) Edition 11
Future Wales: The National Plan 2020-2040
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 12 – Design.
Technical Advice Note 18 – Transport.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the demolition of an existing bungalow and associated outbuildings at 26 Queensway, Shotton and redevelopment of the site, by the erection of 3 No bungalows.

Site/Surroundings

7.02 The site which amounts to approximately 0.08 hectares in area, occupies a corner plot on the north-eastern side of the junction of Queensway and Garden Way, Shotton. Adjacent to the sites northern boundary is a detached dwelling 28 Queensway, and to the east a pair of semi-detached bungalows 2 and 4 Garden Way.

7.03 Part of the site is located opposite the gable elevation of 24 Garden Way and to the west three further dwellings at Queensway. The character of existing development is a mix of bungalows and 2 storey dwellings, the site being within the settlement boundary of Shotton, as defined in the Flintshire Unitary Development Plan, where the principle of residential development is considered acceptable, subject to relevant development management considerations.

Proposed Development

7.04 The plans submitted as part of this application propose:-

- a) the demolition of the existing L shaped bungalow on the site which measures approximately 15m x 13m x 5m (high)
- b) redevelopment of the site by the erection of 1 pair of 2 bedroom semi-detached measuring approximately 18m x 12

m x 5.5m (high) on that part of the site adjacent to the common site boundary with 2/4 Garden way.

- c) a detached bungalow on that part of the site to the north of the junction of Queensway / Garden way. The bungalow would measure approximately 12.5m x 12m x 5.5m (high)

- 7.05 The proposed bungalows would have their vehicular access from Garden Way and be constructed having rendered external walls and a slate substitute roofing material.

Main Planning Considerations

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

- i. The principle of development
- ii. Character and appearance
- iii. Adequacy of highways
- iv. Impact on living conditions of occupiers of existing and the proposed dwellings
- v. Impact on ecology

Principle

- 7.07 As indicated, the site is located within the settlement boundary of Shotton, where in accordance with Policies HSG3 and GEN1 of the Flintshire Unitary Development Plan, the principle of redevelopment of the site for residential development is considered acceptable subject to compliance with relevant development management considerations.

Character and Appearance

- 7.08 The proposed development of three bungalows on approximately 0.08 hectares can it is considered be assimilated into the site, maintaining and being sympathetic to the character of existing development at this location which is characterised predominantly by existing bungalows adjacent to its eastern boundary.

- 7.09 The density of the proposed development at approximately 37 dwellings per hectare (dph), would be at a higher level than the 30 dph that Policy HSG8 sets as a minimum density that is sought to achieve on allocated housing sites. This density of development is however considered to be acceptable, and comparable to the density of existing development at this location of approximately 39 dph, representing an efficient use of land

- 7.10 The erection of bungalows on the site is also reflective of the existing style of development in the locality and the use of materials similar to those used in construction of the existing bungalow and wider surroundings. This aspect of the development can be secured by the imposition of a condition.

Adequacy of Highways

- 7.11 Consultation on the application has been undertaken with Highway Development Control Manager, with amended plans requested in progression of the application to secure changes to the layout in respect of access, and footway linkages into existing development. The amended plans received have addressed the initial concerns raised from a highway perspective, the details of which can be secured by condition as referenced in paragraph 2.01 of this report.

Impact on Living Conditions

- 7.12 A significant factor in the consideration of this application is to ensure that the living conditions of the occupiers of the proposed dwellings and those of existing dwellings in proximity to the site are safeguarded as part of the proposed development having regard to Supplementary Planning Guidance Note 2 – Space Around Dwellings (SPGN2)

- 7.13 The site layout and orientation of the proposed dwellings would not result in any direct interface relationship with the dwellings adjacent to its boundaries at 2 and 4 Garden Way and 28 Queensway to trigger the application of SPGN2.

- 7.14 Within the gable elevation of 24 Garden Way opposite the site is a secondary living room window. The site layout has however been designed to avoid any direct inter-relationship between windows serving habitable rooms in both the existing dwelling and proposed bungalow opposite with a separation distance of 12m being provided..

- 7.15 In addition the proposed dwellings would have garden depths of approximately 6m with associated curtilage areas of 67m², 68m² and 95m² respectively. This is in excess of the 50m² that is referenced within SPGN2 to serve a 2 bedroom dwelling and consistent with the existing bungalows and pattern of development on the north side of Garden Way.

Ecology

- 7.16 An Ecological Appraisal has been submitted to support the application on which consultation has been undertaken with the Council's Ecologist and Natural Resources Wales (NRW). It has been confirmed that the appraisal has satisfactorily assessed the impact of development on protected species and their habitats with appropriate mitigation measures outlined to ensure that no development / demolition is undertaken during the bird nesting season . This can be satisfactorily secured through the imposition of a planning condition.

Leisure Contribution

- 7.17 Consultation on the application has been undertaken with Leisure Services (AURA) who have requested the payment of a commuted sum of £1100 per dwelling. The monies are proposed to be used to enhance junior play provision at King George Street Play Area.

- 7.18 The infrastructure and monetary contributions that can be required from a planning application through a Section 106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 “Planning Obligations”
- 7.19 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development , if the obligation does not meet all of the following regulation tests;
- 1 be necessary to make the development acceptable in planning terms
 - 2 be directly related to the development, and
 - 3 be fairly and reasonably related in scale and kind to the development
- 7.20 While the Authority does not yet have a charging schedule in place, CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of applications for the funding or provision of an infrastructure project /type of infrastructure. From April 2015, if there have been 5 or more S106 Obligations relating to an infrastructure project / type of infrastructure since 2010, then no further obligations for that infrastructure project / type of infrastructure can be considered in determining an application.
- 7.21 I am advised that since the advent of the CIL Regulations that no more than 5 Obligations have been entered into in respect of the leisure contribution requested and I am satisfied that on application of the tests set out above, the contribution would satisfy these requirements.

8.00 CONCLUSION

- 8.01 In conclusion it is considered that this revised application is acceptable representing a scale and form of development that is sympathetic to the character of the site and wider surroundings, and addresses the reasons for refusal of the original application. The design and siting of the proposed units helps to maintain a sense of enclosure along Garden Way continuing a frontage of existing bungalows whilst safeguarding the living conditions of occupiers of existing dwellings in particular 24 Garden Way opposite the site.
- 8.02 There is no objection to the development from highway /ecological perspectives and the scheme is considered acceptable in relation to planning policy and supplementary planning guidance.
- 8.03 Accordingly I recommend that planning permission be granted subject to the payment of a leisure commuted sum and conditions set out in paragraph 2.01 of this report.

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.

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: Robert M Harris
Telephone: 01352 703269
Email: Robert.M.Harris@flintshire.gov.uk