

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **28<sup>TH</sup> OCTOBER 2020**

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

**SUBJECT:** **FULL APPLICATION – RESIDENTIAL DEVELOPMENT FOR 20 NO. DWELLINGS AND ASSOCIATED GARDENS AND CAR PARKING AT FFORDD PANDARUS, MAES PENNANT, MOSTYN.**

**APPLICATION NUMBER:** **060783**

**APPLICANT:** **WAITES CONSTRUCTION LTD**

**SITE:** **FFORDD PANDARUS, MAES PENNANT, MOSTYN**

**APPLICATION VALID DATE:** **4<sup>TH</sup> DECEMBER 2019**

**LOCAL MEMBERS:** **COUNCILLOR P. HEESOM**

**TOWN/COMMUNITY COUNCIL:** **MOSTYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE** **MEMBER REQUEST AND SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

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

**1.0 SUMMARY**

- 1.011 This is a full application for the proposed erection of 20 No. affordable dwellings with associated gardens and car parking on land at Ffordd Pandarus, Maes Pennant, Mostyn.
- 1.02 For Members information the site is within the Council's Strategic Housing & Regeneration Programme (SHARP) and is within the settlement boundary of Mostyn as defined in the Flintshire Unitary Development Plan.

1.03 This application has been resubmitted subsequent to a previous application for the same scale of development on the site which was withdrawn under 059707 in October 2019. It has also been the subject of further consultation following the submission of revised documentation.

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

2.01 That conditional planning permission be granted subject to the following:-

Conditions

1. Time limit on commencement.
2. In accordance with approved plans/details.
3. Samples of materials to be submitted and approved.
4. No development to commence until site levels and finished floor levels of buildings have been submitted and approved. Development to be undertaken with approved details.
5. Siting, layout, design of the means of site access to be in accordance with details to be submitted and approved.
6. Forming of site access not to commence until detailed design have been submitted and approved.
7. Facilities to be provided within the site for the parking and turning of vehicles prior to occupation of any dwelling(s) to which it relates.
8. Details of design, traffic calming, signing, surface water drainage, street lighting to be submitted and approved prior to commencement of any other site works.
9. Positive means to prevent surface water run-off onto carriageway to be submitted and approved.
10. No development to commence until a Construction Traffic Management Plan has been submitted and approved.
11. No dwelling shall be occupied until a full Travel Plan and Transportation Implementation Strategy (TIS) has been submitted and approved.
12. Hard/Soft Landscaping Scheme to be submitted and approved.
13. No development shall commence unless and until a scheme has been submitted and agreed that satisfied the policy and planning requirements relating to the retention of affordable housing.
14. No development shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to public open space and recreation.
15. No development to commence until a scheme for the integrated drainage of the site has been submitted and

approved. Development to be carried out in accordance with approved details.

16. Tree/hedgerow protection measures to be implemented prior to the commencement of any site works.
17. First floor windows within rear /gable elevation of Block D to be high level ( 1.7m cill height )
18. No development to commence until a Scheme for Reasonable Avoidance Measures has been submitted and approved.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor P. Heesom**

Request site visit and Planning Committee determination.  
Preliminary views express concerns relating to i) the impact of overdevelopment on the character of the site /surroundings (ii) adequacy of access /parking

#### **Mostyn Community Council**

Object to the proposal for the following reasons:-

- a) Whilst acknowledging the need for more affordable housing do not consider that the scale of development is sympathetic to the site/surroundings
- b) question whether the development will meet a specific identified need
- c) increase in traffic movements and inadequacy of car parking
- d) single storey accommodation would be more appropriate
- e) existing area off green space will be lost
- f) consider that there is a need to secure community infrastructure improvement through a Section 106 Obligation

#### **Highways Development Control**

Request that any permission includes conditions in respect of access, parking, design, surface water run-off and the need for a Construction Traffic Management Plan. Travel Plan and Transport Implementation Strategy.

#### **Community and Business Protection**

No adverse comments.

#### **Welsh Water/Dwr Cymru**

No objection subject to the imposition of a condition to secure a satisfactory scheme of foul drainage.

#### **Education**

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

Ysgol Bryn Pennant Primary School

Capacity (at January 2019) 129 (excluding nursery)

Current NOR (at January 2019) 106 (excluding nursery).

Number of Surplus Places = 23.

Percentage of Surplus Places 17.83%.

Ysgol Treffynnon Holywell Secondary School

Capacity (at January 2019) 600

Current NOR (at January 2019) 477.

Number of Surplus Places = 123.

Percentage of Surplus Places 20.50%

Primary School Calculation

School Capacity 129 x 5% =6.45% (6)

Trigger for Contributions 129 -6 =123

Number of units 14 x Primary Multiplier 0.24 = Child Yield 3.36 ( 3)

Child Yield 3 x Cost Multiplier £12,257.00 = Developer Contribution  
£36,771

Current Numbers on Roll 106 = Child Yield 3 = Potential Numbers  
on Roll 109

Do not exceed trigger for Contributions

Secondary School Calculation

School Capacity 600 x 5% = 30

Trigger for Contributions 600-30 =570

Number of units 14 x Secondary Multiplier 0.174= Child Yield 2.44  
(2)

Child Yield 2 x Cost Multiplier £18,469.00 = Developer Contribution  
£36,938

Current Numbers on Roll 477 = Child Yield 2 = Potential Numbers  
on Roll 479

Do not exceed trigger for Contributions

Housing Strategy Manager

Advises that there is the following registered need for housing in  
Mostyn

Property Type

|                          |    |
|--------------------------|----|
| 1 bed flat               | 31 |
| 2 bed flat               | 12 |
| 2 bed house              | 14 |
| 3 bed house              | 3  |
| 4 bed house              | 9  |
| Sheltered 1 bed bungalow | 18 |
| Sheltered 1 bed bungalow | 1  |

Council Ecologist

No objection subject to the imposition of a pre-commencement condition to secure Reasonable Avoidance Measures to protect ecological interests during site clearance.

#### **4.00 PUBLICITY**

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

11 No. letters of objection received, the main points of which can be summarised as follows:-

- Application should not be dealt with under emergency procedure but reported to Planning Committee for determination
- Inaccuracies within the originally completed application forms as the site is not vacant, there is an existing mature tree to the rear of 34 Ffordd Pandarus which is not referenced and proposal does involve the change of use of land.
- Over-development/inappropriate design.
- Inadequate access/parking.
- Limited visibility onto Ffordd Pandarus
- Loss of garage facilities and limited off street parking will contribute to congestion /disturbance
- Unacceptable impact on privacy/amenity.
- Loss of community greenspace
- Only playing field is too far
- Negative affect on house prices
- Loss of view of green space negatively affect mental health
- Developer should pay compensation for emotional distress
- Insufficient notice as site not listed within SHARP scheme on regeneration page of Council website
- Tree removal
- Concern about structural integrity of boundary
- Have other sites been considered
- Houses should be for Mostyn people

Letter received from Rt Hon D Hanson on behalf of a resident who considers that there is other more suitable land available for development on the edge of the village, the proposal would represent overdevelopment of the site, and there will be a detrimental impact on the living conditions of elderly residents concentrated in vicinity of the site.

#### **5.00 SITE HISTORY**

5.01 059707 – Residential development for 20 No dwellings with associated gardens and car parking – Withdrawn 21/10/19

## **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 GEN3 – Development in the Open Countryside.

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 HSG1 (41) – New Housing Development Proposals.

Policy HSG3 – . Housing on Unallocated Sites Within  
Settlement Boundaries

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HHS10 – Affordable Housing Within Settlement  
Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas.

Policy EWP17 – Flood Risk.

Policy IMP1 – Planning Conditions & Planning Obligations.

### Additional Guidance

Planning Policy Wales (PPW) Edition 10

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 12 – Design.

Technical Advice Note 15 – Development & Flood Risk.

Technical Advice Note 18 – Transport.

Supplementary Planning Guidance Note 2 – Space About  
Dwellings.( SPGN2 )

Supplementary Planning Guidance Note 23 – Developer  
Contributions to Education

Local Planning Guidance Note 9 – Affordable Housing.

Local Planning Guidance Note 13 – Open Space Contributions

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full application proposes the erection of 20 No. dwellings with associated change of use of land to form gardens and parking on land at Ffordd Pandarus, Maes Pennant Mostyn.

### **7.02 Site Description**

The application site amounts to approximately 0.5 hectares of land which runs in a linear form predominantly in a north - west to south - easterly direction to the rear of existing properties at Ffordd Pandarus and Ffordd Ddyfrdwy, Mostyn.

7.03 The site is currently occupied by grassed areas, garages and a hardstanding, the topography being such that the site slopes from the north – south with level changes of approximately 3m.

7.04 Proposed Development

The plans submitted as part of this application propose the erection of a total of 20 No. 2 storey dwellings comprising a mix of 12 No. 1 & 2 bedroom apartments and 8 No. 2 bedroom houses which are intended to meet affordable housing needs. There would be 2 main pockets of development accessed from a central turning head arrangement as follows:-

A. North West

Within the area of the site it is proposed to site 8 No. dwellings comprising 2 x 3 No. terraced units and a pair of semi-detached dwellings. ( Blocks A & B)

B. South-East

Within this part of the site it is proposed to accommodate 2 No. apartment blocks.( C & D)

7.05 Vehicular access to serve the development is proposed from an existing road off Ffordd Pandarus.

7.06 It is proposed that the dwellings be constructed having facing brick/render external walls with concrete tile roofs.

7.07 Main Planning Considerations

It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy framework.
- Proposed scale of development/house types/site layout.
- Impact on the privacy/living conditions of residents in proximity to the site.
- Adequacy of existing highways and access arrangements to serve the scale of development proposed.
- Adequacy of foul drainage.
- Leisure/Educational Requirements.
- Affordable Housing.

7.08 Principle of Development

For Members information, the site which amounts to approximately 0.5 hectares in area is located within the settlement boundary of

Mostyn, a Category B settlement in the Flintshire Unitary Development Plan. The principle of residential development for general and specific housing need in such locations is generally supported subject to the safeguarding of relevant development management considerations. There is however clear evidence of affordable housing need in the locality as referenced by the Housing Strategy Manager to justify the proposed development.

7.09 Scale/House Types/Site Layout

The proposed site area amounts to approximately 0.50 hectares in total. The erection of 20 dwellings would represent 40 dwellings per hectare (dph ) an increase in the 30 dph specified as a minimum of the Flintshire Unitary Development Plan in Policy HSG8 that is sought to be achieved as a minimum on unallocated sites within settlement boundaries. The proposal would however in my view represent an acceptable scale/form of development having regard to the character of the site and existing development adjacent to its boundaries.

7.10 In addition the introduction of 2 storey dwellings would be reflective of this existing character, the layout reflecting the form of development in proximity to the site and subject to control over the use of materials, it is my view that development would be acceptable and can be supported.

7.11 Impact on Privacy/Living Conditions

Of particular importance in consideration of this application, is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. The proposed layout takes into account the relationship of the site to existing development at Ffordd Pandarus, Ffordd Ddyfrdwy and Y Gerddi, particularly at these dwellings are closest to the application site and in order to ensure that the separation distances would be acceptable to avoid overlooking having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings.

7.12 North – West Parcel

Within the north west parcel of the development a pair of semi-detached dwellings ( Block A ) and 1 No of the proposed terraces of 3 No units ( Block B ) would have their rear elevations within 10m of the common site boundary with existing 2 No storey dwellings at 4-16 Ffordd Pandarus.. The separation distances between the dwellings would be approximately 26m. A separate terrace of 3 No dwellings would have a blank gable relative to properties at Ffordd Pandarus providing a separation distance of approximately 19m. . These distances referenced would be acceptable having regard to SPGN2.

7.13 In terms of the frontage relationship of these units to existing bungalows at 25-43 Ffordd Ddyfrdwy there would be no direct

interface relationship between Block A or the blank gable associated with Block B relative to the existing bungalows. The central block of terraced units would however be within 26m of the existing bungalows the relationship interspersed by a parking area/associated landscaping and boundary treatment. It is considered that the relationship of the existing /proposed dwellings would be acceptable having regard to SPGN2.

7.14 South – East Parcel

The south – east parcel of the proposed development is located between existing properties at 32 -42 Ffordd Pandarus, 49 -61 Ffordd Ddyfrdwy and 7/9 Y Gerddi.

7.15 The rear of the apartment blocks (C & D) would be located within approximately 6m of the common site boundary with existing properties at Ffordd Pandarus. Along this boundary there is a hedgerow varying in height between approximately 3- 4m and a mature tree to the rear of 34 Ffordd Pandarus which will not be impacted by the proposed development. The separation between the rear elevations of the dwellings would be approximately 22 -23.5m which would be acceptable having regard to SPGN2. As the units would however be within 5m of the boundary and to minimise the impact on the living conditions of the occupiers of existing properties, it is recommended that the first floor windows be high level ( minimum sill height of 1.7m ) which can be secured by condition.

7.16 The gable elevation of Block D would be located within 17m of the rear elevation of No 9 Y Gerddi. It is proposed to introduce a window into the gable elevation of Block D but this would also need to be high level to avoid overlooking in accord with SPGN2. This can be secured by condition if the application is supported

7.17 The frontages of Blocks C & D would be sited within approximately 22.5 – 25m from the rear of existing bungalows at 49-61 Ffordd Dyfrdwy. Whilst there would be no direct interface relationship between the units in accord with SPGN2, it is considered that to minimise the impact of development that adequate screening is provided on the common site boundary to safeguard the living conditions of occupiers of existing /proposed

7.18 Adequacy of Access

Whilst the objections to the development on highway grounds are duly noted, consultation on the aspect of the development has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site and acceptability of the proposed site layout.

7.19 It is considered that the site is located within a sustainable location and recent works undertaken by the housing department have increased parking provision within residents' curtilages at Maes

Pennant to help reduce the impact on street parking in proximity to the site. Whilst it is acknowledged that the parking provision is below the maximum referenced in Local Planning Guidance Note 11, there is a minimum provision of 1 space per 2 bed property and 2 spaces per 3 bed. The level of private car ownership /usage within a SHARP scheme is generally at a reduced level given the forms of tenure, with more reliance on other forms of sustainable transport. It is therefore considered that a travel plan would be required in the event of planning permission being granted.

7.20 In addition and in noting the objections received as part of the application and notwithstanding the above requirement, a technical assessment of the acceptability of the proposed access/site layout to serve the development has been undertaken with there being no objection subject to the imposition of conditions as outlined in paragraph 2.00 of this report.

7.21 Adequacy of Foul/Surface Drainage

The adequacy of the drainage to serve the proposed development has been the subject of consultation with Dwr Cymru/Welsh Water who raise no objection subject to the imposition of a condition to secure a satisfactory scheme of foul drainage.

7.22 Leisure/Educational Requirements

Members will be aware that applications of this type are the subject of consultation with the AURA (Leisure Services) and the Capital Projects and Planning Unit with the Local Education Authority.

7.23 The consultation has established that:-

- a) As there would be no on-site recreational provision the development would require the payment of a commuted sum of £733 per dwelling the monies used to enhance junior play provision at Maes Pennant Play Area.
- b) That given that there is adequate capacity at Ysgol Bryn Pennant Mostyn, (Primary) and Ysgol Trefynnon Holywell (Secondary) that an educational contribution(s) would not be required.

7.24 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.25 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 122 tests;

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.26 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 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.

7.27 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into at Mostyn and am satisfied that on application of the tests set out above the leisure contribution would satisfy these requirements.

7.28 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities. Accordingly, it is proposed that conditions in respect of the above are imposed such that no development is permitted to commence until a scheme to address this issue is submitted and agreed.

7.29 Affordable Housing

Whilst the site is owned by the Council, it is proposed to be developed to meet affordable housing need which must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.

7.30 It is therefore proposed to impose a condition to ensure that no development commences until a scheme detailing the precise means and method by which the affordability of these units will be retained in perpetuity is submitted to and agreed in writing by the Local Planning Authority. The proposal is therefore acceptable having regard to Policy HSG10 of the Flintshire Unitary Development Plan and LPGN9 – Affordable Housing.

7.31 Other Matters

As a result of the consultation exercise additional concerns have been raised in connection with the development There are particular

concerns over the loss of community green space and the alternative playing field being located too far from the site. For Members information the application site is not designated as green space in the Unitary Development Plan whereas other land nearby is identified as greenspace. The site takes the form of a strip of rather poor quality grassed land which does not meet criteria in policy L3. In addition the playing field alongside Mostyn Community Centre is some 50m from the northernmost part of site and some 300m from the southernmost part of the site which is well within reasonable walking distance of a new development. In addition concerns over the structural integrity of the banking on the site boundaries has been referenced although no evidence submitted to substantiate these concerns. This is an issue which would be addressed during the construction phase should permission be granted. Whilst these comments are duly noted in my view, they carry limited weight in the overall planning balance.

## **8.00 CONCLUSION**

8.01 In conclusion, it is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings. There is no objection from the Highway Development Control Manager and it is considered that the scheme is acceptable in accord with planning policy.

8.02 Accordingly, I recommend that planning permission be granted subject to the imposition of conditions as referenced within paragraph 2.01 of this report.

### **8.01 Other Considerations**

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

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

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

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

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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