

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



At: Cyng David Wisinger (Chairman)

CS/NG

Cynghorwyr: Marion Bateman, Sean Bibby,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, Carol Ellis,
David Evans, Veronica Gay, Patrick Heesom,
Dave Hughes, Kevin Hughes, Christine Jones,
Richard Jones, Richard Lloyd, Billy Mullin,
Mike Peers, Neville Phillips and Owen Thomas

Dydd Mercher, 26 Medi 2018

Nicola Gittins 01352 702345
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Annwyl Syr / Fadam

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal yn **SIAMBR Y CYNGOR, NEUADD Y SIR, YR WYDDGRUG CH7 6NA** am **DYDD MERCHER, 3YDD HYDREF, 2018** am **1.00 PM** i ystyried yr eitemau a ganlyn.

Yn ddiffuant

Robert Robins
Rheolwr Gwasanaethau Democraidd

HYSBYSIAD GWEDDARLLEDU

Bydd y cyfarfod hwn yn cael ei ffilmio a'l ddarlledu'n fyw ar wefan y Cyngor. Bydd y cyfarfod cyfan yn cael ei ffilmio oni bai fod eitemau cyfrinachol neu wedi'u heithrio dan drafodaeth.

Yn gyffredinol ni fydd y manau eistedd cyhoeddus yn cael eu ffilmio. Fodd bynnag wrth i chi ddod i mewn i'r Siambr, byddwch yn cydsynio i gael eich ffilmio ac i'r defnydd posibl o'r delweddau a'r recordiadau sain hynny ar gyfer gweddarlledu a/neu ddibenion hyfforddi.

Os oes gennych chi unrhyw gwestiynau ynglŷn â hyn, ffoniwch aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

RHAGLEN

1 **YMDDIHEURIADAU**

2 **DATGAN CYSYLLTIAD**

3 **SYLWADAU HWYR**

4 **COFNODION** (Tudalennau 5 - 10)

I gadarnhau, fel cywir gofnodion y cyfarfod ar 15 Medi 2018.

5 **EITEMAU I'W GOHIRIO**

6 **ADRODDIADAU'R (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)**

Mae adorddiad y Prif Swyddog (Cynllunio, Amgylchedd ac Economi) yn amgaeedig.

**ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) –
AR GYFER Y PYLLGOR CYNLLUNIO 3 HYDREF 2018**

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<u>Ceisiadau sy'n cael eu hadrodd er penderfyniad (A = adroddiad er cymeradwyaeth. R = adroddiad er gwrthodiad)</u>		
6.1	058229 - A	Cais Llawn - Codi 14 annedd a gwaith cysylltiedig yn Within Cottage a Cheshire Lane, Ffordd Alltami, Bwcle. (Tudalennau 11 - 28)
6.2	058434 - A	Cais Llawn - Adnewyddu a newid defnydd safle hen siop i greu ty gwyliau ar osod un ystafell wely ac ardal gardd yn Swyddfa'r Post, Ffordd y Llan, Cilcain. (Tudalennau 29 - 38)
6.3	058669 - A	Cais Llawn - Newid defnydd o ddefnydd swyddfa B1 ddefnydd C4 arfaethedig, ty 20 ystafell wely amlfeddiannaeth yn 64 Chester Street, y Fflint (Tudalennau 39 - 46)
Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<u>Materion Cyffredinol</u>		
6.4	048128 - A	Materion Cyffredinol - Cais i ryddhau Cytundeb Adran 52 sy'n berthnasol i ganiatad cynllunio 190/86 yn cyfyngu deiliadaeth annedd yng Ngwesty'r Plas Hafod, Hafod Road, Gwernymynydd. (Tudalennau 47 - 50)
Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<u>Penderfyniad am Apêl</u>		
6.5		057541 - Apel gan Mr G Wood yn erbyn penderfyniad Cyngor Sir Flint i wrthod caniatad cynllunio i ddefnyddio 1 garafan bresennol (Uned 2) fel anheddiad parhaol y Dirprwy Reolwr yn Dunkasons Caravan Park, Mostyn Road, Gronant - GWRTHODWYD. (Tudalennau 51 - 56)
6.6		057774 – Apel gan Mr P. Miliadiades yn erbyn diffyg penderfyniad ar ran Cyngor Sir y Fflint mewn perthynas a'r cais amlinellol i godi uned A3 (bwyd a diod) ac adeiladu lle parcio newydd yn lle'r hen un yn Swyddfa'r Post Ewlo, The Highway, Penarlag - CANIATAWYD. (Tudalennau 57 - 62)

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4

PLANNING COMMITTEE **5th SEPTEMBER 2018**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 5th September 2018.

PRESENT: Councillor David Wisinger (Chair)

Councillors: Marion Bateman, Sean Bibby, Chris Bithell, Derek Butler, David Cox, Adele Davies-Cooke, Ian Dunbar, Carol Ellis, Veronica Gay, Patrick Heesom, Dave Hughes, Kevin Hughes, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips and Owen Thomas.

APOLOGY: Councillors: Richard Lloyd.

IN ATTENDANCE:

Chief Officer (Planning and Environment); Service Manager - Strategy; Team Leader – Planning; Senior Planner; Planners; Senior Solicitor and Team Leader – Committee Services.

20. DECLARATIONS OF INTEREST

None were declared.

Councillor Peers said he had received a letter from a Solicitor which contained false allegations against him in relation to agenda item number 6.2 – 058212 – Outline application – residential development, including access, open space and all associated works at Woodside Cottages, Bank Lane, Drury. He had not sent any letters to members of the Planning Committee nor had he spoken to them about the application or made any representations. The letter suggested that Councillor Peers should be investigated and suspended from the Planning Committee. He said he had spoken to the Senior Solicitor who advised that he should speak as a local Member and not a member of the Planning Committee which he would do, and he would leave the room following his address and not vote.

Members of the Planning Committee expressed their disappointment that Councillor Peers was facing such allegations, explaining that all members of the Planning Committee were there to do a duty on behalf of local residents.

21. LATE OBSERVATIONS

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

<http://committeemeetings.flintshire.gov.uk/documents/s50660/Late%20Observations.pdf?LLL=0>

22. MINUTES

The draft minutes of the meeting on 18th July 2018 were submitted and confirmed as a correct record.

RESOLVED:

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

23. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers. Councillor Owen Thomas moved deferral of agenda item number 6.5 – 058434 – Full application – renovation and change of use of a former shop premises to create a one bedroom holiday let and garden area at Post Office, Ffordd y Llan, Cilcain. His reason for the proposal was to enable a site visit to take place. Following a discussion, it was agreed that consideration of the proposal for deferral would be permitted to enable any members of the public who were present for that item could leave the Chamber, if the item was deferred.

On being put to the vote, agenda item number 6.5 – 058434 – Full application – renovation and change of use of a former shop premises to create a one bedroom holiday let and garden area at Post Office, Ffordd y Llan, Cilcain was deferred to enable a site visit to take place.

24. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)

RESOLVED:

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

25. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 20 members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 3.53pm)

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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 5TH SEPTEMBER 2018

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
058164	Penyffordd Community Council	Outline application – Residential development at land East of Vounog Hill, Penyffordd	Mr F. Brereton, the agent, spoke in support of the application. Councillor Cindy Hinds, as local Member, spoke against the application.	That planning permission be refused based on the reasons set out in the officer’s report.
058212	Buckley Town Council	Outline application – Residential development, including access, open space and all associated works at Woodside Cottages, Bank Lane, Drury	Councillor Dennis Hutchinson, as local Member, spoke against the application. Councillor Mike Peers, as local Member, spoke against the application.	That planning permission be refused, against officer recommendation, on the following grounds: <ul style="list-style-type: none"> • Inadequate access which would have an adverse impact on highway safety and amenity conflicting with FUDP Policy AC13; and • The indicative plans showed the likelihood of an inefficient use of land which was contrary to the aims of FUDP HSG8.
058299	Holywell Town Council Brynford Community Council	Full application – erection of stables and manege area and change of use of land to grazing of horses at Pen Y Ball Hill, Holywell	Mr H. Evans, the agent, spoke in support of the application. Councillor Paul Johnson, as local Member, spoke against the application.	That planning permission be refused, against officer recommendation, on the following grounds: <ul style="list-style-type: none"> • Conflict with criteria a-c of FUDP SR2; and • The nature of the proposal would

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ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
				give rise to the use of horse boxes on a steep highway which would have an adverse impact on safety of the users of the highway in conflict with FUDP AC13.
057388	Penyffordd Community Council	Outline application – erection of up to 36 units of over-55 retirement housing, open space and associated infrastructure with details of site access at Rhos Road, Penyffordd	Mr A. Wright, on behalf of the Community Council, spoke against the application. Councillor Cindy Hinds, as local Member, spoke against the application.	That planning permission be refused based on the reasons set out in the officer's report.
058434	Cilcain Community Council	Full application – renovation and change of use of a former shop premises to create a one bedroom holiday let and garden area at Post Office, Ffordd y Llan, Cilcain		Deferred. Proposed by Councillor Owen Thomas, and voted upon, to enable a site visit to take place.
055430		General matters – outline application with all matters reserved for residential development consisting of 14 units with a mixture of 2 storey semi-detached and 3 storey detached dwellings at Spectrum Home and Garden Centre, Wrexham Road,		That the decision of refusal by Welsh Ministers, for the reasons set out in the report, be noted.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
		Cefyn-y-Bedd		
APPEALS			NOTED	
057257	Appeal by Mr T. Johnston against the decision of Flintshire County Council to refuse planning permission for the erection of 1 no. dwelling at Brook Cottage, Chester Road, Oakenholt – DISMISSED			
057788	Appeal by the Euro Garages Ltd against the non-determination by Flintshire County Council for the demolition of existing petrol filling station and convenience store and redevelopment of site for new petrol filling station,			

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ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
	convenience store and drive-thru bakery (use class A1) at Esso Service Station, Church Street, Connah's Quay – DISMISSED			
057681 Fudalen 10	Appeal by Mr J. Woodcock against the refusal of planning permission by Flintshire County Council for the use of land as a touring caravan site at Stamford Way Farm, Stamford Way, Ewloe – ALLOWED			

Eitem ar gyfer y Rhaglen 6.1

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD OCTOBER 2018**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 14 NO DWELLINGS AND ASSOCIATED WORKS AT WITHIN COTTAGE & CHESHIRE LANE, ALLTAMI ROAD, BUCKLEY**

APPLICATION NUMBER: **058229**

APPLICANT: **QUATREFOIL HOMES**

SITE: **WITHIN COTTAGE & CHESHIRE LANE, ALLTAMI ROAD, BUCKLEY.**

APPLICATION VALID DATE: **16TH MARCH 2018**

LOCAL MEMBERS: **COUNCILLOR MRS C A ELLIS**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO SCHEME OF DELEGATION**
IMPACT ON PUBLIC RIGHT OF WAY AND HIGHWAY

SITE VISIT: **No**

1.00 SUMMARY

1.01 This report was deferred from the July 18th 2018 Planning Committee due to concerns raised at the Planning Committee site visit in relation to access over third party land. This matter has now been clarified.

This is a full application for the proposed erection of 14 no. dwellings and associated works at land adjacent Withen Cottage and Cheshire Lane, Alltami road, Buckley.

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

2.01 The conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide the following:

- Payment of £1,100 per dwelling in lieu of on-site provision. The off-site contribution would be used to enhance existing public open space in the community; namely the Skatepark in Buckley. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved;

And

- Payment of £2,500 towards mitigating the indirect impacts due to in combination pressures on the Special Area of Conservation (SAC).

Conditions

1. Time commencement
2. In accordance with approved details
3. Material samples
4. Existing and Finished floor levels
5. Only foul water shall be allowed to discharge to the public sewerage system
6. Surface water drainage scheme to be submitted
7. Detailed layout, mans of traffic calming and signing, surface water drainage, street lighting and construction of internal estate road to be submitted
8. Footpath 22 improvement scheme including staggered barriers
9. Front of garages set back minimum of 5.5m
10. Positive means provided to prevent surface water runoff onto highway
11. Submission of Construction Management Plan
12. Foundation design of properties either side of mine shaft to be submitted and approved prior to their implementation
13. Reasonable Avoidance measures GCN
14. Biosecurity risk assessment
15. Ecological compliance audit
16. Contaminated land report.
17. Landscaping scheme
18. A scheme of Tree root protection measures to be submitted

- and implemented prior to development
19. Construction method statement with regards to vegetation clearance and protected species ecological avoidance measures.
 20. No new openings to be created in the western elevation of the dwelling located on plot 6, identified in green on the attached plan.

3.00 CONSULTATIONS

3.01 Local Member Councillor C A Ellis

Requests committee determination and a site visit due to the impact of the development on public right of way and on highways

Buckley Town Council

The Council recommends refusal for the following reasons:

- The application indicates the closure of footpath 22 and no alternative route is indicated.
- Without an alternative there are health and safety concerns for pedestrians accessing the School and Health Centre.
- Narrowness of road impinges on the ability of emergency vehicles and refuse collection to access the development.
- Increased traffic Alltami Road, closeness of access to accesses of other recent developments
- Ignores requirements placed on the developments at end of Muirfield road where bollards were required to provide safety for pedestrians. No bollards indicated on development
- Adjacent to SSSI and would affect biodiversity of site.
- Impact upon neighbouring residential amenity- loss of light and privacy
- Impact on the character and appearance of the area.
- Impact upon community facilities

Highways Development Control Manager

This proposal is an extension of an earlier development site which is still under construction; roads within that development have not yet been completed to adoptable standard. Extension of the existing road will require alterations to the existing kerbs and verge.

The access road linking between the two phases crosses the line of the public footpath no.22, a route that is used to gain access to the school. This crossing is identified on the layout drawing which appears to include provision of a ramped crossing and staggered barriers; the layout as proposed is not appropriate but provision of an acceptable layout could be controlled by condition.

Footpath 22 is unlit and only partially surfaced, the development will lead to increased pedestrian use and consideration should be given to improvements.

I recommend that any planning permission shall include the following conditions:

1. Detailed layout, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate road to be submitted
2. Footpath 22 improvement scheme
3. Front of garages set back minimum of 5.5m
4. Positive means provided to prevent surface water runoff onto highway
5. Submission of Construction Management Plan

In addition, please ensure that the standard highway supplementary notes are issued to the applicant as part of any planning consent which may be granted with particular reference to Clauses, 1,2,3,4,5,7 & 9; Public Footpath no.22 crosses the site.

Public Rights of Way

Public Footpath No.22 in the community of Buckley crosses the site where the entrance to the site is proposed from the recent development off Cheshire Lane.

The proposed new entrance crosses a popular public footpath known locally as 'Tucky Lane', which is used for access to Buckley Sports Centre and Elfed High School by pupils.

I am satisfied with the proposals set out for the temporary diversion of the section of Public Footpath No. 22 between Alltami Road and the Elfed High School site.

Quatrefoil Homes will be required to contact us to discuss any dates for a temporary closure to start and general requirements for temporary closures (i.e. appropriate signage, keeping temporary path open at all times).

Furthermore, with regard to the development itself and where Public Footpath No. 22 cross the access road, we would support the installation of staggered barriers (to the approved highways regulations) near the crossing point as part of improvement works to the whole section of the footpath.

Head of Public Protection

A condition for a Phase 1 assessment should be carried out to identify and consider potential risks associated with land contamination either to, or as a result of the development.

Public Open Space Manger

The Council should seek £1,100 per dwelling in lieu of on-site provision, off-site contribution will be used to enhance existing public open space at the Skatepark, Buckley.

Head of Lifelong Learning

To clarify to members the Capital Projects and Planning Manager of the Education and Youth Services is consulted on the planning application. All figures set out below are provided by the Capital Projects and Planning Manager not by Development Management. The Education and Youth Services service have been consulted again following comments received at Planning Committee and the response from the Capital Projects and Planning Manager are set out below.

SCHOOLS AFFECTED: PRIMARY

School: Mountain Lane C.P. School

Current NOR (@ January 2018) 406 (excluding Nursery)

Capacity (@ January 2018) 409 (excluding Nursery)

No. Surplus Places: 3

Percentage of Surplus Places: 0.73%

SCHOOLS AFFECTED SECONDARY

School: Elfed High School

Current NOR (@ January 2018) is 745

Capacity (@ January 2018) is 1037

No. Surplus Places is 292

Percentage of Surplus Places is: 28.1%

Formula

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria.

The formula reads:

Primary School Pupils

School capacity 409 x 5% = 20.45 (21)

409 – 21 = 388 Trigger point for contributions is 388 pupils

(No. of units) 14 x 0.24 (primary formula multiplier) = 3.36 (3) No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £36,771

Actual pupils 406 + 3 (from the multiplier) = 409 meets trigger

Contribution requirement would be £36,771

Secondary School Pupils

School capacity of $1037 \times 5\% = 51.85$ (rounded up or down) 52
Capacity $1037 - 52 = 985$ Trigger point for contributions is 985
pupils
(No. of Units 14×0.174 (secondary formula multiplier) = 2.43 (2 No.
of pupils) generated $\times \pounds 18,469$ per pupil (Building Cost multiplier) =
 $\pounds 36,938$

Actual pupils $745+2=747$ does not trigger of 985

Contribution requirement would be £0

Primary – Mountain Lane C.P.Primary School – it is our intention to seek a Section 106 contribution. The contributions will be spent on Security Adaptations required to accommodate the additional children.

Secondary – Elfed High Secondary – it is not our intention to seek a Section 106 contribution.

County Ecologist

Requests a scheme of reasonable avoidance measures and mitigation to be conditioned to avoid harm to GCN, also recommends financial mitigation by way of S.106

Welsh Water/Dwr Cymru

Requests conditions and advisory notes attached to any permission.

Natural Resources Wales

Do not object to proposal subject to the imposition of conditions regarding measures to safeguard amphibians and GCNs, a Biosecurity Risk Assessment and Ecological Compliance Audit.

Clwyd Badger Group

Concerned over impact on Badgers, care should be given when clearing scrub.

Coal Authority

Contents and conclusions of the Mining Investigation Report are broadly sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for proposed development.

No objection to the proposed development subject to the imposition of a condition to secure foundation design of the dwellings either side of the identified shaft.

Clwyd Powys Archaeological Trust

No objection to the proposed development.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

42 Letters of objection

- Safety issues, in particular concerning public footpath 22
- Ecology
- Loss of hedgerows
- Overdevelopment of Alltami road
- Impact upon local infrastructure
- Overlooking onto existing houses, loss of privacy and overshadowing.
- Developers circumventing affordable housing requirement by stealth (two phased development)
- Concern over loss of footpath

5.00 SITE HISTORY

5.01 051567- Outline- Erection of 5 no. dwellings Refused 9th September 2014

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 – Housing

STR 8 – Built Environment

STR 10 - Resources

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 - Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

HSG 9 – Housing Mix and Type

HSG 10 – Affordable Housing within settlement boundaries

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

The proposal is in accordance with the above development plan policies.

Local/Supplementary Planning Guidance Notes

LPGN 2 - Space around dwellings

LPGN 4 - Trees and Development
LPGN 9 - Affordable Housing
LPGN 11 - Parking Standards
LPGN 13 - Open Space Requirements

Planning Policy Wales Edition 9 November 2016
Technical Advice Note 1 : Joint Housing Availability Studies
Technical Advice Note 11: Noise
Technical Advice Note 12 : Design
Technical Advice Note 18 : Transport

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a full application for the erection of 14 no. dwellings, and associated works at land adjacent to Withen cottage and Cheshire Lane. The proposal includes;

- 4 No 3 bedroom houses and
- 10 No 4 bedroom houses.

The site is within the settlement boundary of Buckley within the Flintshire Unitary Development Plan

Principle of development

The application site lies within the settlement boundary of Buckley, which is a category A settlement in the Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites but noted that in the case of unallocated 'windfall sites' there are limitations imposed via policy HSG3.

Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development would be permitted in Category A settlements where it does not conflict with Policy GEN1. It also identified that development should not result in growth over the UDP housing provision for the plan period. As the UDP is outside of the plan period this stipulation does not apply.

Main Issues

The main issues relevant to the determination of this application are considered to be issues of access and the public rights of way, ecology, coal mining legacy and the impact of the proposal on the character and appearance of the area and living conditions of neighbouring occupiers.

Access

The proposed development intends to gain access from an earlier development at Cheshire Lane, extending the road across an existing public footpath. The road within the earlier development is currently not finished to adoptable standard, although this is the intention.

Concerns have been raised with regard to the alignment of the access road from the Homeleigh development. It has been shown that it is possible to achieve the proposed access arrangement without interfering with third party land, which was the issue that the original concern raised. Conditions will be imposed to ensure that the proposed access arrangements are constructed to an adoptable standard. Highways development control are satisfied that the proposed access arrangements are acceptable.

The existing footpath 22 which the access would cross is a route to schools and consideration must be given both to an alternative route for the duration of the construction, of the layout of the crossing point, and the improvement of the footpath, which is currently unlit and poorly surfaced. I consider that conditions can be imposed to achieve all of these aims. Alterations to the kerbs and verge of the existing road will also be required to provide the link. Negotiations have been undertaken between the developer, the Rights of Way and other Council departments and it is considered that an acceptable temporary alternative can be provided. Details of this shall be approved by way of condition and thereafter implemented prior to the commencement of any work. As part of the scheme it is proposed that footpath 22 will be upgraded. Once the temporary footpath is no longer required the land will be reinstated to its original condition, including the replanting of any hedges affected.

It is therefore considered that the proposed access to the development is acceptable, subject to the imposition of conditions to ensure that the required standard is achieved, this will include the submission and approval of a Construction Management Plan.

Impact upon the character and appearance of the locality

The site lies to the south of Alltami road, with residential areas to the north, east and west and an all-weather football pitch, part of the Elfed High School complex, to the south. The site is currently used as grazing land. Residential properties to the north and west are typically large detached properties set within generous plots. The new development to the east, to which this proposal links, is of a higher density, with a mix of detached and semi-detached two storey dwellings, this site is clearly distinct and delineated from the application site by the existing hedgerows and line of footpath 22.

The proposed dwellings are of a style that is appropriate to the locality. Materials are shown as a mixture of brick and brick and render. This is considered to be suitable in principle and the materials

to be used in the external surfaces of the dwellings proposed shall be conditioned to be submitted for approval prior to their use.

The site area is approximately 0.7 Ha and as 14 dwellings are being proposed the density can therefore be calculated as being 20 dph. The linear nature of the site at its access point, which excludes some areas from development to allow for an adequate internal road system to serve the development, should be taken into account when considering this proposal. Whilst policy HSG8 would usually seek a density of 30 dwellings per hectare on unallocated sites within Category A settlements the policy also requires development to reflect the characteristics of the site and surrounding area, and to make adequate provision for privacy and space around dwellings. Concerns have been raised regarding impacts of the proposed dwellings on the amenity and privacy of existing neighbouring properties. If the density of the site was increased it is my opinion that the development would not be characteristic of the prevailing density of existing development abutting the site, and there would be concerns over interface distances and adequate amenity provision being inadequate, which would unacceptably harm neighbouring amenity.

I consider that the 14 proposed dwellings, which represents a density of 20 dwellings per hectare, represent an acceptable density in this location considering the requirements of policy HSG8 of the Unitary Development Plan and taking into account the character and appearance of the locality, providing ample amenity space and interface distances between the proposed dwellings and the existing neighbouring dwellings.

When taking into account constraints on the site, including the need to protect existing ecological interests and due to the mining legacy on the site, the proposal represents an efficient use of the land which also integrates into the prevailing pattern of development in the immediate locality.

Impact on living conditions of neighbouring occupiers and future occupiers

Supplementary Planning Guidance Note 2: Space Around Dwellings provides guidance to achieving adequate levels of residential amenity and to ensure that no adverse impacts upon existing amenity arise from proposals for new dwellings.

Due to the slightly lower density of development on site, to reflect the character of the surrounding area, the proposed dwellings are able to achieve the minimum standards prescribed by the supplementary guidance. A general amenity space of 80m² is achieved for all proposed dwellings. This exceeds the minimum for 3 bedroom

dwelling and higher by 10m². Garden depths, particularly where close to boundaries with existing dwellings adjacent to the site, comply with the prescribed distances within the guidance. Similarly interface distances ensure that the distances between windows are compliant with supplementary planning advice and I do not consider that the proposal would give rise to any adverse overlooking issues or significant negative impacts upon existing neighbouring amenity.

Ecology

The site lies in close proximity to the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and is directly adjacent to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI). The SAC supports a nationally important population of great crested newts. It is therefore important that the Local Planning Authority are sure, beyond reasonable scientific doubt, that the proposed development will not adversely affect the integrity of the SAC.

Similarly the SSSI contains a nationally important population of great crested newts and an assemblage of other amphibian species. Various amphibians have been found on land contiguous with the boundary of the application site. It would therefore be necessary to impose a condition requiring the implementation of amphibian mitigation and reasonable avoidance measures to the satisfaction of the Local Planning Authority.

It is considered by the Natural Resources Wales that the site will be used by the relevant species for foraging, dispersal and or sheltering purposes but that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the great crested newt populations provided that suitable conditions are imposed.

Suitable and appropriate mitigation will entail the implementation of Reasonable Avoidance Measures (RAMs) such as the erection of a 1-way amphibian fence, together with the clearance of individual working areas.

It is considered that relevant to the proposal is the biosecurity of the site particularly concerning invasive non-native species (INNS). As such I consider that it would be appropriate to impose a condition requiring the submission and implementation of a Biosecurity Risk Assessment, which will include appropriate measures to control INNS on site as well as measures to prevent INNS being introduced on site for the duration of the construction and implementation of the proposal.

It is also considered, given the ecological sensitivity of the site, that it would be appropriate to impose a condition requiring the submission of an Ecological Compliance Audit, to provide evidence demonstrating that the implementation of the proposal will accord with the provisions of planning and other statutory consents.

Apart from the potential of the site for GCN, there is also some potential for Badgers within the dense scrub and vegetation clearance will therefore need to be undertaken with this in mind as recommended within submitted Ecological report. A Construction method statement is recommended within the Ecological report and should be conditioned.

The mature trees on the site have the potential as bat roosts and the hedgerows and field will provide foraging habitats. The submitted tree report recommends the retention of the majority of trees on site. A condition will be imposed for root protection measures to be agreed and put in place prior to development starting. Providing these conditions are attached it is considered that the Council has discharged its duty as competent authority in relation to the Habitats Regulations during the consideration of this development.

Coal mining legacy

The application site falls within the Coal Authority's defined Development High Risk area as there are coal mining features and hazards within the site due to historic mining activity.

A Mining Investigation Report accompanied the application. This report outlines the intrusive site investigation works that have taken place over the site, and concludes that shallow mine workings do not affect the proposed development. Furthermore the report states that the recorded mine entry within the site was fully treated to NCB specifications in 1975. This mine entry is not to be built upon. This approach follows the general precautionary principle adopted by the Coal Authority.

The Coal Authority are satisfied with the findings of the Mining Investigation Report and that this report meets the requirements of Planning Policy Wales in demonstrating that the application is, or can be made, safe and stable for the proposed development.

I recommend that conditions are imposed regarding foundation design to mitigate against any residual ground movement associated with the treated mine shaft. In principle, however, I consider that it has been demonstrated that the mining legacy of the site causes no significant impediment to the proposed development.

Given the history of historic mining it is also considered appropriate to impose a condition requiring a Phase 1 desk study to be carried

out to identify any possible contaminants on the land. If any are subsequently found it would be necessary for further investigation to be carried out and appropriate mitigation implemented. It is considered that this can be controlled by condition.

Public Open Space

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'.

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.

No Public Open Space (POS) provision is provided on site by the development. In accordance with Planning Guidance Note 13- Public Open Space provision, it is considered that the Council should seek commuted sum payment in lieu of on site provision, which would enhance existing POS in the community. Specifically money would be payable for the enhancement of the Skatepark in Buckley. Thresholds from previous contributions have not been exceeded with regard to the Skatepark and it is considered that a fee of £1,100 per dwelling is appropriate.

Education

In terms of a requirement for contributions towards education infrastructure and provisions within the county, I am advised that the application of the above guidance would indicate a need for contributions towards the nearest primary school, Mountain Lane C.P School as this school has a sub 5% surplus capacity. However, the Council has already secured 5 contributions towards the capacity at this school, as set out in the table below.

Planning reference	Site address	Date of Agreement	Amount
047722	Knowle Lane	22/01/2013	£17,500
046545	Hillcrest Drury Lane	01/10/2013	£10,500
047624	Alltami Road	29/10/2013	£21,000

047900	Ewloe Hall Motors	19/03/2013	Outline Application
050804	Brunswick Road	19/07/2013	£24,514

- Accordingly, any further requests towards the same end would not be in compliance with the Community Infrastructure Regulations 2010 and therefore, by virtue of Reg.123, The Local Planning Authority may not make any further requests for S.106 contributions for the same purpose at this school.
- I have not been informed of any projects at the School which it would be reasonable in terms of scale and kind to the development to seek an obligation.
- There is no requirement for a contribution towards secondary school capacity as the nearest secondary school, Elfed School, has 28.1% surplus spaces.

The LPA cannot therefore consider a Section 106 agreement in respect of education capacity at Mountain Lane C.P School.

Having regard to the principles in relation to S.106 Agreements set out within Welsh Office Circular 13/97 'Planning Obligations', that such obligations should only be sought where without the same the Local Planning Authority would not grant planning permission, it falls to be considered whether the proposals ought therefore to be refused in the light of the implications of CIL.

Clearly, in relation to educational contributions towards primary school places at Mountain Lane C.P School, the development proposals bring about an adverse impact which cannot now be mitigated by a further Section 106 contribution. I have therefore considered whether or not, weighing all matters into the balance and exercising my planning judgement, I should recommend that this application should be refused given that there is an adverse impact at Mountain Lane C.P School which cannot be mitigated by way of a Section 106 contribution.

I am mindful that, save the issue in relation to primary education contributions, all other matters are acceptable on the assessment of their planning merits in all other respects. Nonetheless, there is an impact arising from the proposals which cannot be mitigated by a Section 106 obligation and this will adversely impact upon the capacity of Mountain Lane C.P School. The impact therefore needs to be weighed against the matters set out above, and in light of CIL. The proposals, upon the application of the formula within LPG23 indicate that 3 pupils are expected to be generated from the development to attend this school which presently has 406 pupils on the roll. The proposals would therefore increase the pupils on roll to 409. The school has an actual capacity of 409. The school currently has a capacity of only 0.73% and the extra pupils generated by this proposal would result in the school being at maximum capacity. Therefore, in planning policy terms, the proposed development is in

conflict with Policy IMP1 of the UDP.

Having considered all the other matters set out in this report, I am of the view that, whilst finely balanced, and when taking into account the lack of housing land supply, the particular impact that would arise as a result of this proposed development does not outweigh the benefit of the provision of housing on this windfall site.

Other Matters

The site has previously been investigated for archaeology relating to the nearby former Charles Pryce Pottery. The evaluation trenches did not reveal any structures relating to the pottery and it is clear from the archaeological investigations that the pottery buildings did not extend onto the development site.

The site lies completely within Zone A on the Development advice maps accompanying TAN15: Development and Flood Risk. Zone A is considered to represent little or no flood risk. Insufficient detail has been provided regarding the disposal of surface water and I consider that it would be appropriate to impose a condition requiring the submission of a surface water drainage design to be approved prior to the commencement of work and thereafter implemented.

Objections have been received alleging that this site has been developed by stealth in order to avoid making a contribution to the any local affordable housing need. There is no evidence to support the allegation and the application submitted has to be considered on its own merits.

Further objections have been made that community facilities do not exist which can support the development. No evidence has been submitted to support this view and therefore very little may be attributed to it in the overall planning balance.

8.00 CONCLUSION

In conclusion it is my view that the proposal complies with policy. Satisfactory provision can be made for the public footpath for the duration of the construction of the development. Ecological impacts can be mitigated and protected on site. There are no objections from any of the statutory consultees.

Accordingly, I recommend that planning permission be granted subject to the imposition of conditions within paragraph 2.01 of this report, and the completion of a legal agreement.

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.

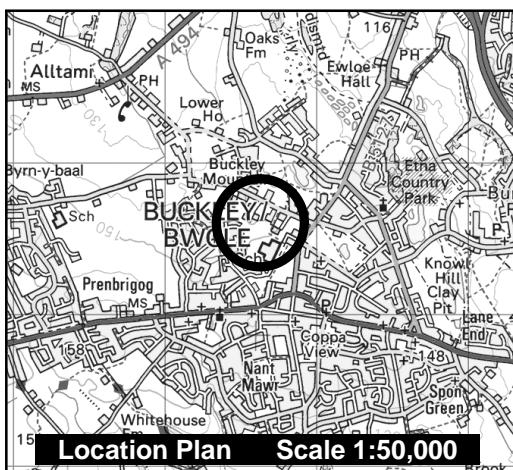
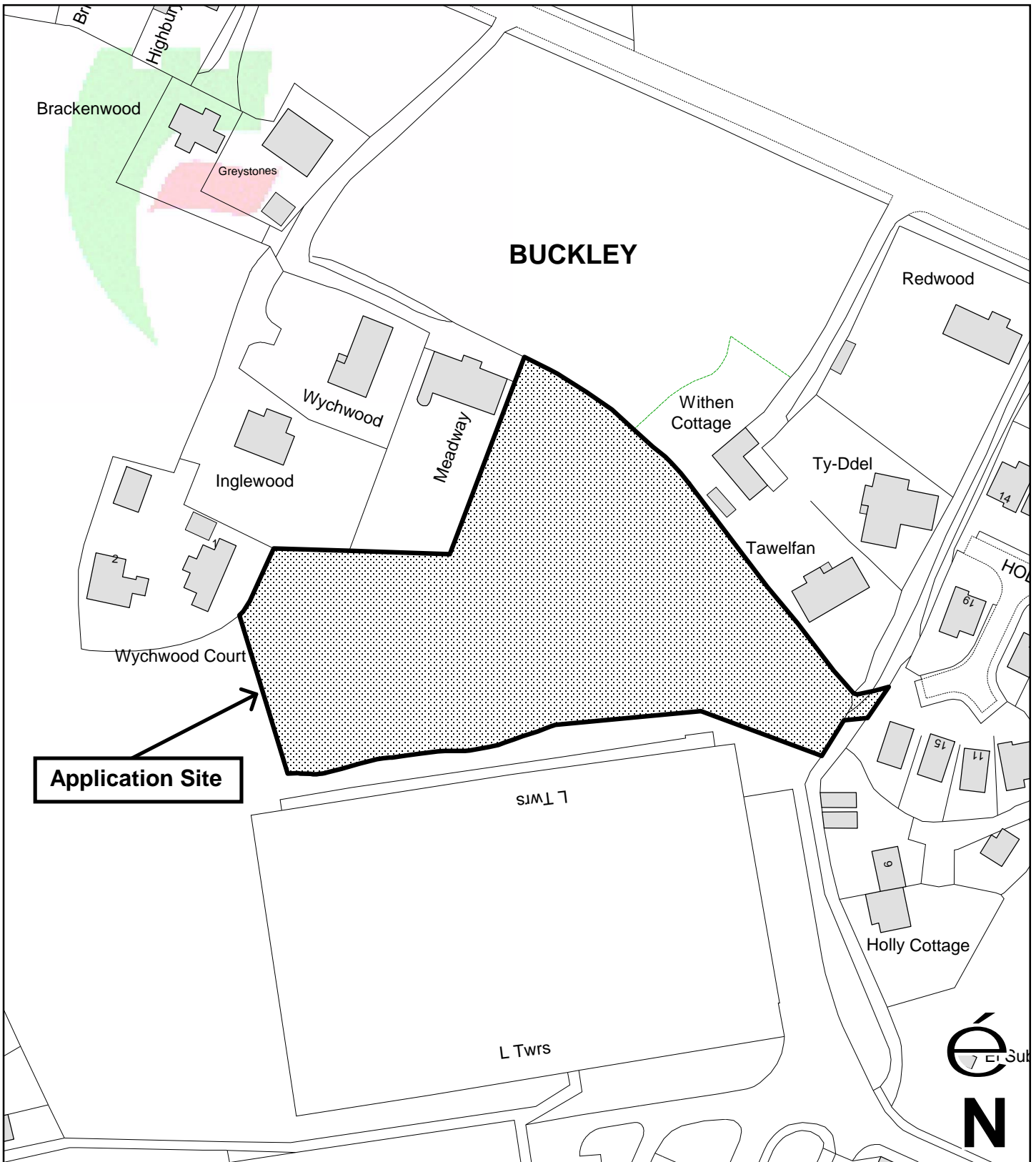
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: James Beattie
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Email: james.beattie@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 **58229**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD OCTOBER 2018**

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

SUBJECT: **FULL APPLICATION – RENOVATION AND CHANGE OF USE OF A FORMER SHOP PREMISES TO CREATE A ONE BEDROOM HOLIDAY LET AND GARDEN AREA AT POST OFFICE, FFORDD Y LLAN, CILCAIN.**

APPLICATION NUMBER: **058434**

APPLICANT: **ROTHESAY ESTATES LIMITED**

SITE: **POST OFFICE
FFORDD Y LLAN
CILCAIN
CH7 5NW**

APPLICATION VALID DATE: **3RD MAY 2018**

LOCAL MEMBERS: **COUNCILLOR W O THOMAS**

TOWN/COMMUNITY COUNCIL: **CILCAIN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **IMPACT OF PROPOSAL ON CONSERVATION AREA, IMPACT ON AMENITY OF NEIGHBOURING PROPERTIES, PARKING ISSUES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This item was deferred at the Planning Committee meeting in September to allow a site visit to take place.
- 1.02 This is a full application for the change of use of a former shop to create a one bedroom, with ancillary accommodation, holiday let and garden area. The main issues are considered to be the principle of development in this location, the impact of the proposal upon the

conservation area, AONB and neighbouring amenity and issues of parking.

- 1.03 Members should be aware that an appeal on the basis of non-determination has been lodged by the applicant with the Welsh Ministers. As Members will recall, a 28 day 'dual jurisdiction' period exists from the date of the appeal being lodged with the Welsh Ministers, during which time the Local Planning Authority may determine the application. The 28 day period began on 11th September 2018.

Accordingly, the Committee may now pursue one of the following courses of action. It may either;

1. grant planning permission; or
2. refuse to grant planning permission.

Should the Committee resolve to refuse to grant planning permission, then the reasons for such a refusal will form the basis of the Council's position in the subsequent consideration of the appeal.

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

- 2.01
1. Date of commencement
 2. In accordance with approved plans
 3. Landscaping scheme to be submitted and agreed
 4. Implementation of Landscaping scheme
 5. No surface water/land drainage to connect directly or indirectly to the public sewerage network
 6. Details of the stone wall to be submitted and agreed prior to construction
 7. Details of all windows and doors to be introduced to the building to be submitted and approved
 8. Holiday use only

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor W O Thomas
Requests the planning application to go to planning committee.
My reasons are:
There are a number of questions to be asking- the application is in

the conservation area, the curtilage is marked to the end of the road there are no pavements so the first 4ft of the grass verge has to be left clear, there is the wood stove the chimney is low and the smoke would affect the adjacent dwellings. This is a 2 bed not a 1 bed as stated which would involve 2 cars, no parking provided within the curtilage and we have had a lot of complaints of parking in front of parking properties

Cilcain Community Council

The community council object to the application for the following reasons:

- a) No provision is made in the application for off street parking. The Council is aware of existing parking/obstruction problems in both Ffordd y Llan and Glascoed. Therefore no off street parking on this development would aggravate the situation.
- b) Because there is no footway for pedestrians in Glascoed, vehicles on the estate are not allowed to park on the road in order to eliminate pedestrian/vehicle conflict. Similarly, persons using the holiday let facility should not be parking on the carriageway in Glascoed.
- c) Houses erected in Glascoed have to have off road parking provision on their drives, so this new development should also have to provide off street parking
- d) Vehicles parking in Ffordd y Llan outside this development would obscure the visibility of vehicles exiting the Glascoed Estate.
- e) The Council questions the land ownership details shown on the application. There is no footpath in Glas Coed, but the County Council owns a 4ft wide service strip on each side of the carriageway. This 4ft strip at the back of the roadside kerb does not appear to tally with the land boundary shown on the application plan.

Head of Assets and Transportation

Does not consider that refusal could be substantiated on lack of parking given previous use as a shop.

In order to safeguard visibility from the adjoining junction serving Glas Coed I would recommend the proposed new boundary, if greater than 1.0m, be set back clear of the visibility sightline indicated on the attached plan.

Head of Public Protection

No adverse comments

Economy

Support application. This development would bring back into use a currently vacant space to a high standard and realise a quality holiday let accommodation in a popular location

Welsh Water/Dwr Cymru

Note that the developer proposes to dispose of foul flows via the public sewerage system and it is unknown how the developer proposed to dispose of surface water runoff. Therefore, request a condition and advisory notes to be included with any consent.

AONB

No objection. Request that details of stone wall be agreed to ensure that is traditionally constructed to complement the character of the conservation area.

Natural Resources Wales

NRW do not object to the proposal. NRW do not consider that the application will have any impact on foul water or protected species. Advisory notes are requested to be added to any permission issued,

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

3 letter of objection received

- Traffic, Parking and safety issues
- Impact of proposal on Conservation area

5.00 SITE HISTORY

5.01 85/0634 Change of use of 2 rooms to tea rooms approved 23rd January 1986

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR6 Tourism

GEN1 General Requirements for Development

GEN2 Development Inside Settlement Boundaries

L2 Area of Outstanding Natural Beauty

HE1 Development Affecting Conservation Areas

AC18 Parking Provision and New Development

S11 Retention of Local Facilities

T3 Self-Catering Tourist Accommodation

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal is for the change of use of a former shop unit to create a one bedroom holiday let and associated garden area. The site is

located within the settlement boundary for Cilcain in the Flintshire Unitary Development Plan, as well as within the Cilcain Conservation area.

Main Issues

The main issues are considered to be the acceptability of the proposal in policy terms, with particular regard to the retention of local facilities, the impact of the proposal on the conservation area and the AONB, the impact of the proposal on neighbouring amenity and parking.

Principle of development

The site is within the settlement boundary for Cilcain. In such areas, by virtue of UDP Policy T3 there is a presumption in favour of self-catering tourist accommodation, where such development is appropriate in scale and character to its location and setting, will not have a significant adverse impact upon the amenity of nearby residents or the community in general, where appropriate is accessible by a choice of modes of travel and will not have a significant adverse impact on features or areas of landscape, nature conservation or historic value.

The development is utilising the existing vacant shop unit and is not requiring the shop to close. Notwithstanding this, similar facilities to those lost by the closure of the shop exist within the community so that it is considered that the requirements of Unitary Development Policy S11 are satisfied.

It is considered that the principle of the proposal is acceptable in policy terms.

Parking and traffic safety

The previous use of the unit as a shop, which can be described as a 'fall-back' position is a significant material planning consideration to be given significant weight in the overall planning balance. It is considered that the proposed use as a small holiday let will have a reduced impact upon the highways in terms of traffic generation and parking requirement than the currently permitted use as a shop. As such a reason for refusal on a lack of parking would be difficult to substantiate on appeal.

Amendments to the plan have been made to ensure that visibility from the adjacent junction is left unimpeded by the boundary wall.

It is not considered that the proposal would have an adverse impact upon highways safety.

Impact upon Conservation area

The proposal has been designed in a way as to require very little external changes to the current shop unit. New fenestration and openings consists of three new conservation style rooflights and a set of French doors. These features are being introduced to the eastern elevation of the building, which faces into the courtyard. The western elevation, which is located tight against the boundary with the highway and clearly visible to public view, is unchanged although one of the windows shall be obscurely glazed as it will serve a bathroom in the new development. A new flue for a wood burner is also proposed on the roof plane of the eastern elevation, the height of this flue is approximately the same as the ridge of the roof and is unobtrusive.

Policy HE1 of the Flintshire Unitary Development Plan required development in the conservation area to either preserve or enhance the character and appearance of the designated area. I consider that the sensitive conversion of this former shop unit will both preserve and enhance the conservation area. To ensure that the work is sympathetic to the locality conditions regarding the materials and details of individual features such as fenestration and the new boundary wall shall be imposed.

Impact upon neighbouring living conditions

Given the small scale of the proposal, and the relatively little external alteration to the unit I do not consider that the proposed development would unduly impact upon neighbouring living conditions with particular regard to noise, disturbance and privacy. The use of the unit as a shop would involve a far greater amount of comings and goings with a resultant impact upon local living conditions.

The introduction of a flue to serve a wood burner has been queried. This feature would not unacceptably impact upon the conservation area, on the outlook for neighbouring residents from a visual point of view. In terms of other impacts from its use these would be controlled by public nuisance legislation and other controls outside of the jurisdiction of the planning department.

8.00 CONCLUSION

I consider that the proposal is acceptable and in accordance with all relevant unitary development plan policies and as such I recommend that the application is approved with the schedule of conditions given above.

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.

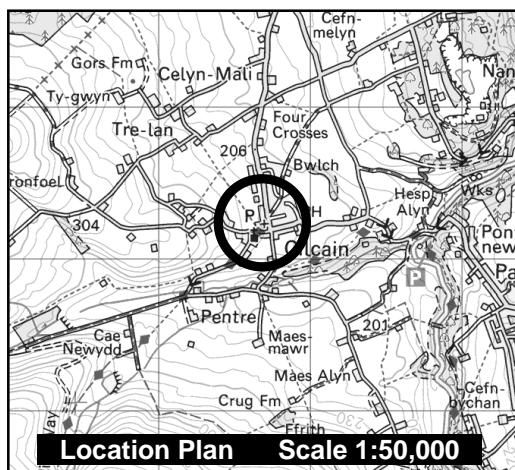
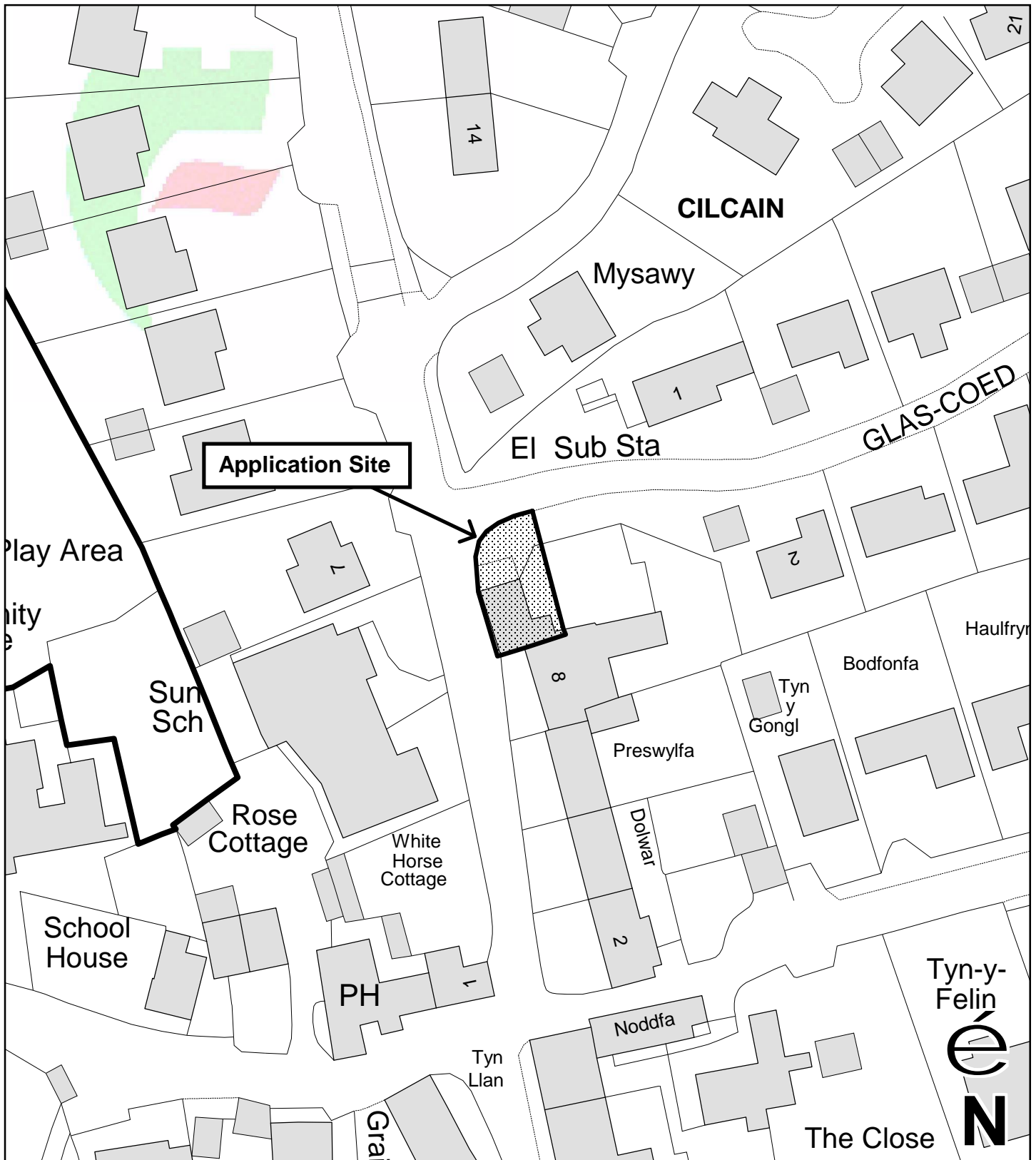
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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



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Email: james.beattie@flintshire.gov.uk

Mae'r dudalen hon yn wag yn bwrpasol



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	1:750
OS Map ref	SJ 1765
Planning Application	58434

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD OCTOBER 2018**

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

SUBJECT: **CHANGE OF USE FROM B1 OFFICE TO C4 USE PROPOSED 20 BEDROOM - HOUSE OF MULTIPLE OCCUPATION AT 64 CHESTER STREET, FLINT**

APPLICATION NUMBER: **058669**

APPLICANT: **REVIVE PROPERTY LIMITED**

SITE: **64 CHESTER STREET, FLINT**

APPLICATION VALID DATE: **2nd JULY 2018**

LOCAL MEMBERS: **CLLR I ROBERTS**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **CLLRS REQUEST: IMPACT ON AMENITY AND PARKING**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for the change of use of the former office to a house of multiple occupation containing 20 bedrooms at 64 Chester Street, Flint.
- 1.02 The main issues relate to the intensity of the residential use with impacts related to noise and disturbance along with parking and access.

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

- 2.01
1. Time limit on commencement
 2. In accordance with approved details
 3. Maximum occupation to be 20 people
 4. Facilities shall be provided and retained within the site for the parking of vehicles.

3.00 CONSULTATIONS

3.01 Local Member: Cllr I Roberts objects to the proposal on the following grounds:

- The development would be incongruous in an area which is principally used for commercial and office space.
- The development would have highways implications with the lack of adequate parking.
- Requests that, if approved, a condition requiring the submission of a management plan is required.

Flint Town Council: No response at time writing.

Highways Development Management: No objection subject to conditions:

Public Protection: No response at time of writing

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

One letter of objection received stating that the proposal will have a detrimental effect on the area due to the increased risk to residents because of increased traffic, insufficient infrastructure such as health care to accommodate existing and already planned increase in population.

5.00 SITE HISTORY

5.01 No recent history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing
GEN1 - General Requirements for Development
GEN2 - Development inside settlement boundaries
AC13 - Access and Traffic impact
AC18 - Parking Provision and new development
HSG3 - Housing on unallocated sites within Settlement boundaries

The proposal would be in accordance with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the change of use of the former office to a house of multiple occupation containing 20 bedrooms at 64 Chester Street, Flint.

7.02 Site description

The building is a former office and is located at 64 Chester Street, Flint. The building is accessed via a private access to the rear and is bounded by a mixture of commercial and residential uses. Opposite the site is a supermarket and fire station.

7.03 The building is two storey in nature and has existing parking spaces to the rear and an area of hardstanding to the side west. The built form of the building extends close to the boundary of a residential property to the north west and is attached to a retail unit to the southwest.

7.04 Proposal

It is proposed to convert the former office to a 20 bedroom house of multiple occupation (HMO). This would comprise 10 bedrooms on the ground floor and a further 10 bedrooms on the first floor. There would be a communal open plan kitchen, dining and living room area on both floors with 18 of the proposed bedrooms including en-suite facilities.

7.05 The existing car parking area to the rear of will be utilised to provide 16 parking spaces along with a bike and refuse store.

7.06 Main Issues

The main issues relate to the impact of the development on the character of the area with regard to living conditions of neighbouring and future occupiers with particular regard to intensity of the

residential use giving rise to noise and disturbance along with parking and access issues.

7.07 Access

The proposal uses the existing private driveway to the office which is located off Park Avenue. The Highways Development Control Manager has no objections to the intended use of the existing points of access.

7.08 Parking

The existing car parking area to the rear of will be utilised to provide 16 parking spaces along with a bike and refuse store. At a recent appeal for a HMO in Saltney, the Inspector noted that:

“The appellants 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.”

7.09 Although SPG11 Parking standards contains no standard parking provision for a HMO, in another recent application for a HMO the rational of 0.4 car parking spaces has been applied. If the same rational is applied to this application a requirement for a maximum of 8 parking spaces would be applied.

7.10 In addition, this property is located within Flint town centre. Flint is a Category A settlement within the UDP and offers a range of facilities. There is a bus stop outside the property with regular services to Chester and into Flintshire towns. The settlement offers a wide range of local amenities within the Town Centre located on the same road and a number supermarket and other high street conveniences in walking distance. The layout also makes provision for a cycle store. Given its sustainable location and the number of parking spaces provided, Highways Development Control have raised no objection subject to conditions.

7.11 Impact on the living conditions of neighbour occupiers

The occupancy of the units and the nature of the tenure is not a material planning consideration. The property is currently a large office building with no restriction on the intensity of the office use or number of employees. There is also no restriction in the hours the office could be used.

A 20 bedroom HMO would be an intensification of the existing use in

7.12 terms of the movement associated with the occupants and the associated noise and disturbance, however this would not be significantly different from surrounding mixture of uses.

7.13 As there are no new additional windows proposed to the building and no other external changes there would be no material change to the appearance of the building which would be harmful to the character of the area.

7.14 The adjacent building is currently used a dwelling house with two windows looking towards to proposed site. The distance between the two elevations is 3.3m at its narrowest increasing to approximately 4m at the rear elevation. The windows on the side elevation, which are to serve the proposed kitchen and living areas, will be obscurely glazed to protect the amenity of both the existing and proposed residents. One further window on the side elevation, which serves an en-suite, will be remoted to ensure privacy for the future occupants.

Living conditions of future occupiers

7.15

The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there are currently no planning guidance in Flintshire on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers. The proposal provides shared area which provides kitchen and amenity space. As the applicant has not advanced a limit on the level of occupation, in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. All the bedrooms proposed are of a reasonable size to accommodate a single occupant, with room for a bed, storage and desk. The proposed bedrooms overlook both the front of the building towards the highways and the rear of the building towards to parking area. The front and rear elevations are both well in excess of any separation distance standards in relation to habitable rooms.

8.00 CONCLUSION

It is considered that the proposed access and parking arrangements are acceptable given the proposal is in a sustainable location within Flint.

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.

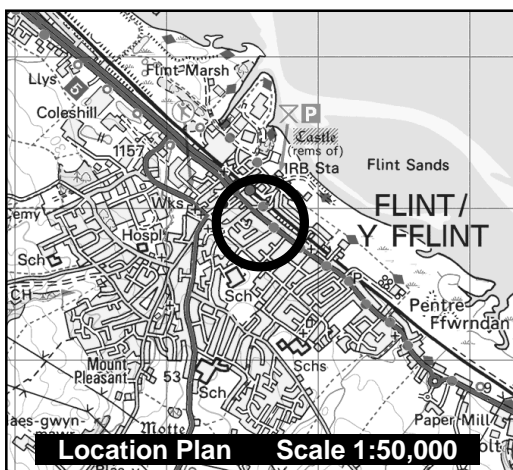
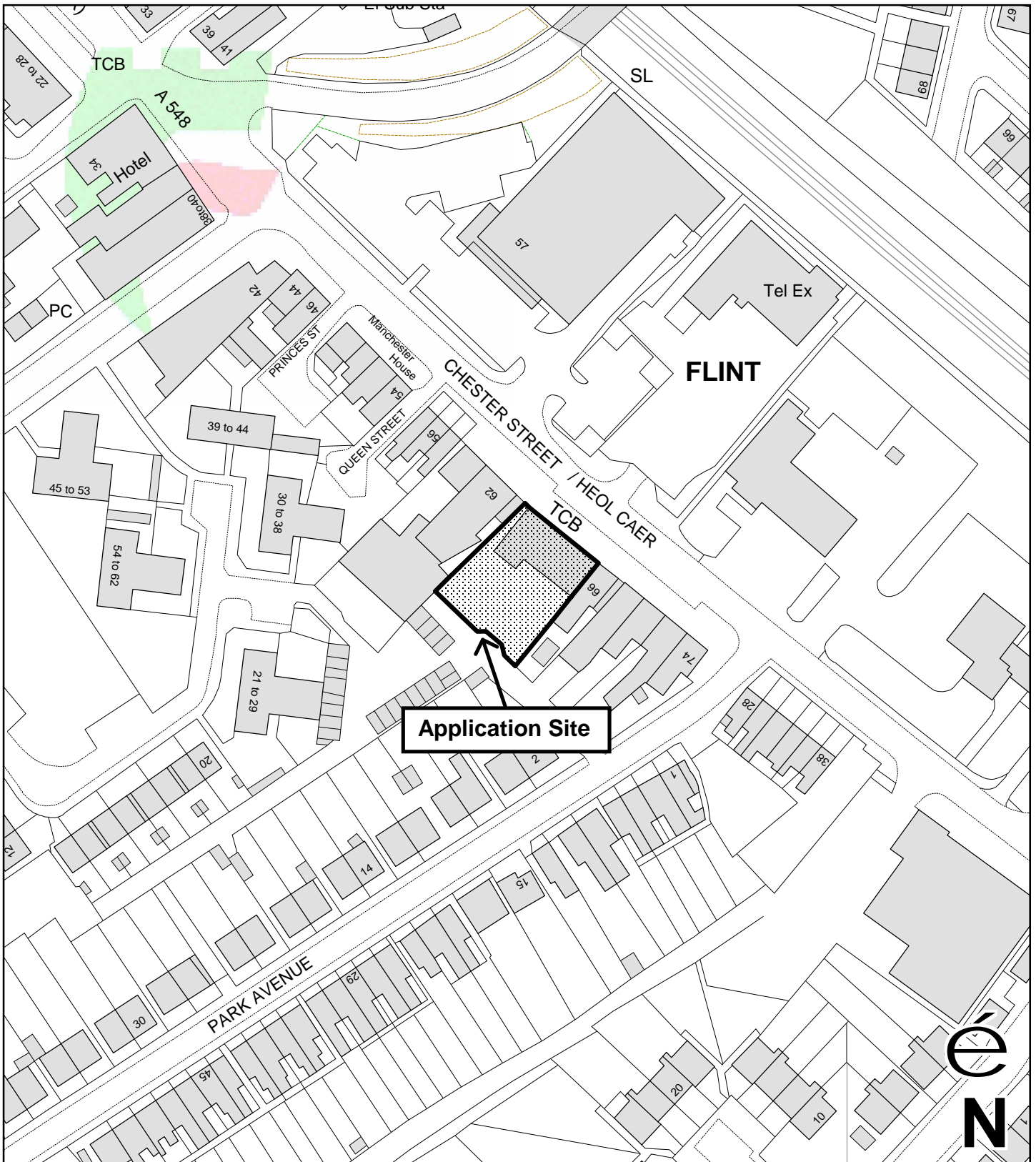
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

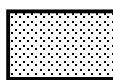

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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 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 2472
Planning Application	58669

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.4

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 3 OCTOBER 2018**

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

SUBJECT: **APPLICATION TO DISCHARGE A SECTION 52 AGREEMENT RELATING TO PLANNING PERMISSION REF: 190/86 RESTRICTING OCCUPANCY OF PROPOSED DWELLING AT PLAS HAFOD HOTEL, HAFOD ROAD, GWERNYMYNYDD**

1.00 APPLICATION NUMBER

1.01 048128

2.00 APPLICANT

2.01 Mr. S. Buckley

3.00 SITE

3.01 Plas Hafod Hotel, Hafod Road, Gwernymynydd.

4.00 APPLICATION VALID DATE

4.01 23rd November 2010

5.00 PURPOSE OF REPORT

5.01 To seek a resolution following a request by owners of the Plas Hafod Hotel, a Grade II Listed Building, that the existing Section 52 Legal Agreement controlling occupancy of a dwelling known as 'Crud yr Hafod' which retains links to the existing hotel be discharged. This is proposed to enable investment in the historic fabric of the hotel building and implement future expansion plans for additional bedroom facilities, recently granted planning permission and Listed Building Consent under Code Nos 057882 and 057883 respectively.

5.02 For Members' information a previous request to replace the Section

52 Legal Agreement with a Section 106 Obligation to control occupancy of the dwelling and prevent further applications for a new dwelling at this location was considered by the Planning and Development Control Committee in June 2011. It was resolved by Members at that time to support the request although the legal agreement was not completed.

6.00 REPORT

- 6.01 This proposal is to discharge the Section 52 Agreement in respect of the dwelling approved in 1987 adjacent to the Plas Hafod, Gwernymynydd. The dwelling is currently occupied by the owner's son who is employed at the Plas Hafod.
- 6.02 When deciding whether to discharge a Section 52 Agreement members should consider whether that agreement still serves a useful purpose. This is the requisite test for discharging a Section 106 obligation, and as Section 52 Agreements are the statutory predecessor to Section 106 Agreements it is reasonable to adopt this test.
- 6.03 The Section 52 Agreement was required to ensure that the proposed dwelling, which is outside the settlement boundary, was occupied by a person solely employed at the Plas Hafod. This was to meet the occupation criteria required by planning policy at that time.
- 6.04 It is considered that the restriction on occupancy now fails to serve a useful purpose, as staff are now required for insurance purposes to be within the building at all times and the attic has been converted to provide self-contained manager's accommodation.
- 6.05 The owners of the hotel are seeking to discharge the Section 52 Agreement attached to the dwelling, to enable them to use the dwelling to raise finance to carry out improvement works to the hotel. In terms of protecting the Listed Building asset the Council welcome and support the recently approved works. However, this is not a material consideration in determining whether the Section 52 agreement should be discharged. This provides context for members on why the application is before them.
- 6.06 Without the restriction of the Section 52 Agreement, the Council is accepting the creation of a dwelling in the open Countryside which would conflict with Policy HSG4. The purpose of HSG4 is protect the countryside from physical impact of new dwellings. This is required in order to limit the impact of such development on the rural character of the area. In this unusual case the dwelling has been built over 30 years ago so there is no new harm to the open countryside location from the built form of the dwelling. The dwelling is now an established part of the countryside landscape and any significant alterations to that dwelling would require a separate planning

application. The key purpose of HSG4 is therefore not breached. Allowing general occupation of the dwelling by discharging the Section 52 Agreement in this particular case would have no material harm on the rural character of this landscape. Therefore it is considered that the Section 52 Agreement has no useful purpose in this regard and should be discharged.

- 6.07 This is not a planning application and therefore a normal publicity and consultation has not been undertaken although the views of the Local Member and Gwernymynydd Community Council have been sought. At the time of preparing this report no formal responses have been received.

7.00 RECOMMENDATIONS

- 7.01 That the existing Section 52 Agreement be discharged as the agreement serves no useful purpose in requiring limited occupation by employees of the hotel only.

LIST OF BACKGROUND DOCUMENTS

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

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Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.5

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **03 OCTOBER 2018**

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

SUBJECT: **APPEAL BY MR. G. WOOD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE USE OF 1 NO. EXISTING CARAVAN (UNIT 2) FOR DEPUTY MANAGER PERMANENT OCCUPATION AT DUNKASONS CARAVAN PARK, MOSTYN ROAD, GRONANT – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 057541

2.00 APPLICANT

2.01 MR. G. WOOD

3.00 SITE

3.01 DUNKERASON'S CARAVAN PARK , MOSTYN ROAD , GRONANT

4.00 APPLICATION VALID DATE

4.01 11 SEPTEMBER 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal, following refusal of the application by the Local Planning Authority.

The appointed planning Inspector was Mr. I. Lloyd. The appeal was determined via the written representations method and was refused.

6.00 REPORT

6.01 The Main Issues

6.02 The Inspector noted that main issues in this case being whether the needs of the caravan park enterprise justify the use of a second caravan on site for the purposes of residential occupancy by a site manager/warden.

And whether the development would be at significant risk of flooding and would satisfy the tests of highly vulnerable development in flood zone C1 as set out in Technical Advice Note 15 (TAN 15) Development and Flood Risk.

6.03 In his consideration of the case the Inspector noted that the proposal if allowed would allow a second caravan on site for residential occupation by a second manager Whilst the Inspector noted that the caravan park is financially sustainable, benefits the local economy and with benefit of this unit the business would be at risk. The provisions of TAN 6 relates only to established farms and not rural enterprises. The proposal is akin to a new dwelling on a rural enterprise and the tests of TAN 6 have not been met in this instance. He also considered that policy HSG4 (New Dwellings Outside Settlement Boundaries) of the Flintshire Unitary Development Plan, relates to new dwellings in relation to farm and forestry workers.

6.04 The Inspector also considered that the application had not demonstrated that labour/residential arrangements for the caravan park cannot be re-organised to ensure that the needs of the enterprise are met without the need for the second caravan. He concluded that the needs of the caravan park do not justify the use of a second caravan of the site for the purpose of occupation by a site manager.

6.05 In relation to meeting the requirements of TAN15 the Inspector noted that figure 2 of TAN in relation to vulnerability of the use as a warden unit is inclusive of the all year occupation of a caravan. The site is located within a C1 flood zone in which the use of the caravan for all year occupation is considered to be a highly vulnerable use. As such the use would not be consistent with the aims of Planning Policy Wales.

6.06 The appellant did not provide a Flood Consequences Assessment (FCA) and Natural Resources Wales (NRW) object to the development. Despite the appellant being unaware of the requirements of a Flood Consequences Assessment, NRW indicates that it would be difficult to demonstrate that the consequences of a flooding event could be acceptably managed. The development would therefore not comply with Flintshire Unitary Development Plan, policy EWP17 (Flood Risk).

7.00 CONCLUSION

7.01 The Inspector concluded that the proposed development would be at

significant risk of flooding and would not satisfy the tests for highly vulnerable development in flood risk zone C1, as set out in TAN 15.

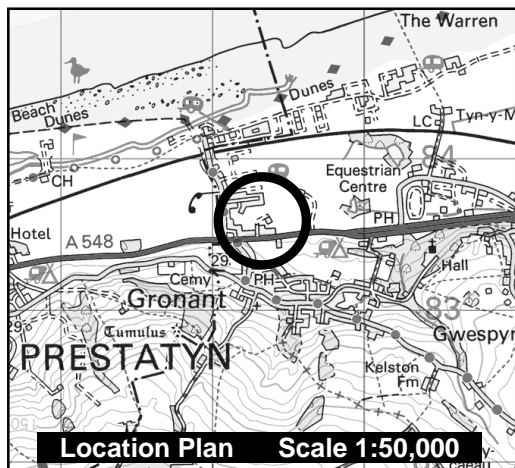
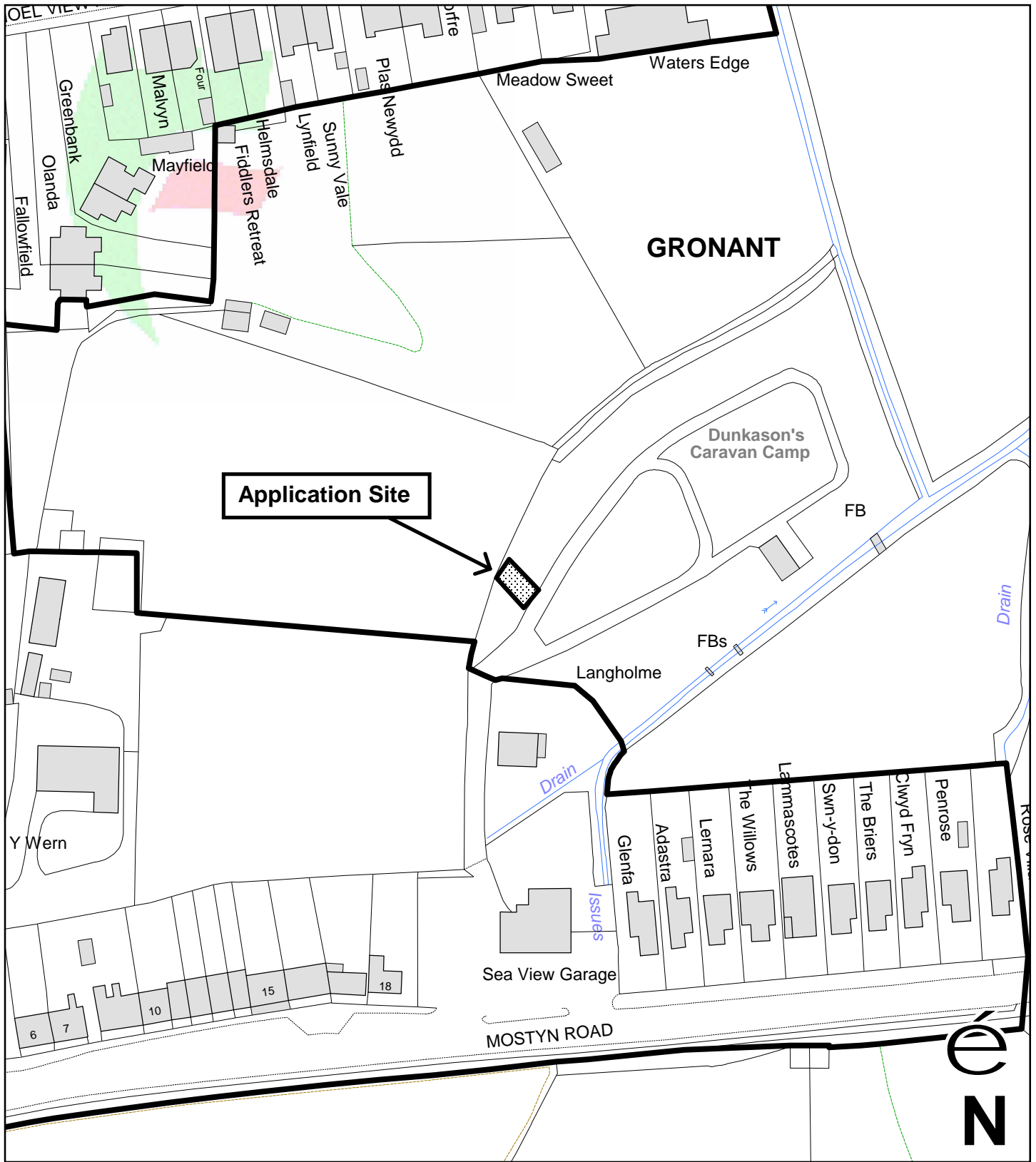
- 7.02 In addition he concluded that the development failed to accord with the provisions of the Flintshire Unitary Development Plan and National Planning Policies of Planning Policy Wales.

LIST OF BACKGROUND DOCUMENTS

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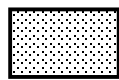

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Planning, Environment & Economy,
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 Chief Officer: Mr Andrew Farrow

Legend

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Map Scale	1:1250
OS Map ref	SJ 0983
Planning Application	57541

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Eitem ar gyfer y Rhaglen 6.6

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD OCTOBER 2018**

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

SUBJECT: **APPEAL BY MR. P. MILITIADES AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL OF THE OUTLINE APPLICATION FOR THE ERECTION OF A3 UNIT (FOOD AND DRINK) AND CONSTRUCTION OF NEW AND REPLACEMENT CAR PARKING AT EWLOE POST OFFICE, THE HIGHWAY, HAWARDEN – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 057774

2.00 APPLICANT

2.01 Hungrys-3

3.00 SITE

3.01 Land at Ewloe Post Office,
The Highway, Hawarden.

4.00 APPLICATION VALID DATE

4.01 20th November 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of the outcome of an appeal against the failure of Flintshire County Council to give notice within the prescribed period of a decision for an outline application (all matters reserved) for the erection of a food and drink building (Use Class A3), construction of new and replacement surface car parking and revised access detail at land at Ewloe Post Office, The Highway, Ewloe, Near Hawarden. Officers were minded to approve application. The appeal was dealt with by written representations and the Inspector was Iwan Lloyd. The appeal was **ALLOWED**.

6.00 REPORT

6.01 The Inspector considered the main issue to be highway safety.

6.02 Background

The site comprises an area to the side and to the rear of the Post Office, situated opposite the Co-op and adjacent to the Church in Ewloe. The proposal involves the demolition of a single storey lean-to the Post Office and the erection of a food and drink building, car parking and alterations to the existing vehicular access.

6.03 Highway Safety

A revised plan shows improvements to the existing site access arrangement to accommodate the increase in traffic movement from the site. The Highway Engineer Development Control was content with the amended access plan citing that this is an improvement over the present situation allowing for the increase in movement and that on-road parking provision and restrictions are re-configured by traffic regulation order. Whilst there are some concerns on access visibility and parking provision in relation to reversing from identified spaces, as a whole the access, parking and visibility arrangements for the proposal were considered acceptable in principle. Access in this case is a reserved matter and the local planning authority has further consideration of the matter when dealing with the details.

6.04 The Inspector saw no reason to disagree with the assessment on the outline application concerning access. The proximity of the pedestrian crossing and the position of the access arrangement opposite the Co-op entrance are pre-existing and will not change. The proposal seeks to improve the existing access and there is no compelling evidence to indicate that the residual impact of the proposal would be severe or significant. Representations that pedestrians crossing the road would be at greater risk is unfounded, and there is no compelling evidence to show that the proposed development would increase that risk.

6.05 The Inspector therefore concluded that the proposal would not harm highway safety.

6.06 Other Matters and Conditions

The Inspector noted the concern about ground stability which was addressed given that the proposed building on the indicative layout is positioned alongside the Church. Any reserved matter application incorporating layout would be advised to follow the current in principle layout to avoid objections. The Inspector saw no reason that the matter should be expressly conditioned to that effect given that layout is a reserved matter. There was no objection to the imposition of the suggested conditions.

6.07 No condition was suggested on the hours of opening of the food and drink use. This appears to be outside the scope of the reserved matters applications and should be part of the outline application. The Inspector imposed a condition on opening times. It was in the interests of the living conditions of nearby residents in relation to noise and disturbance and in the interests of highway safety.

7.00 CONCLUSION

7.01 The Inspector concluded that the proposal would not harm highway and no other material considerations indicated that the development would not accord with the development plan. The presumption in favour of sustainable development in accordance with the development plan in Planning Policy Wales (paragraph 4.2.4) applies.

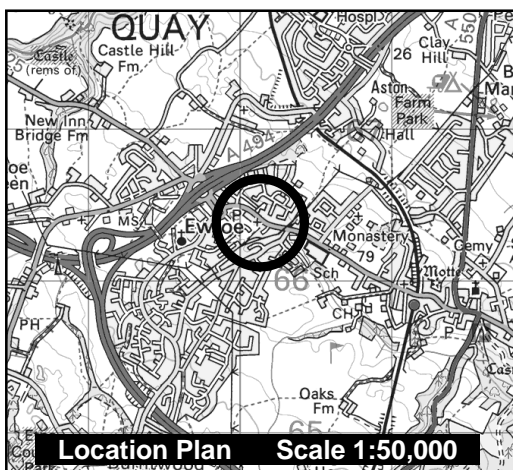
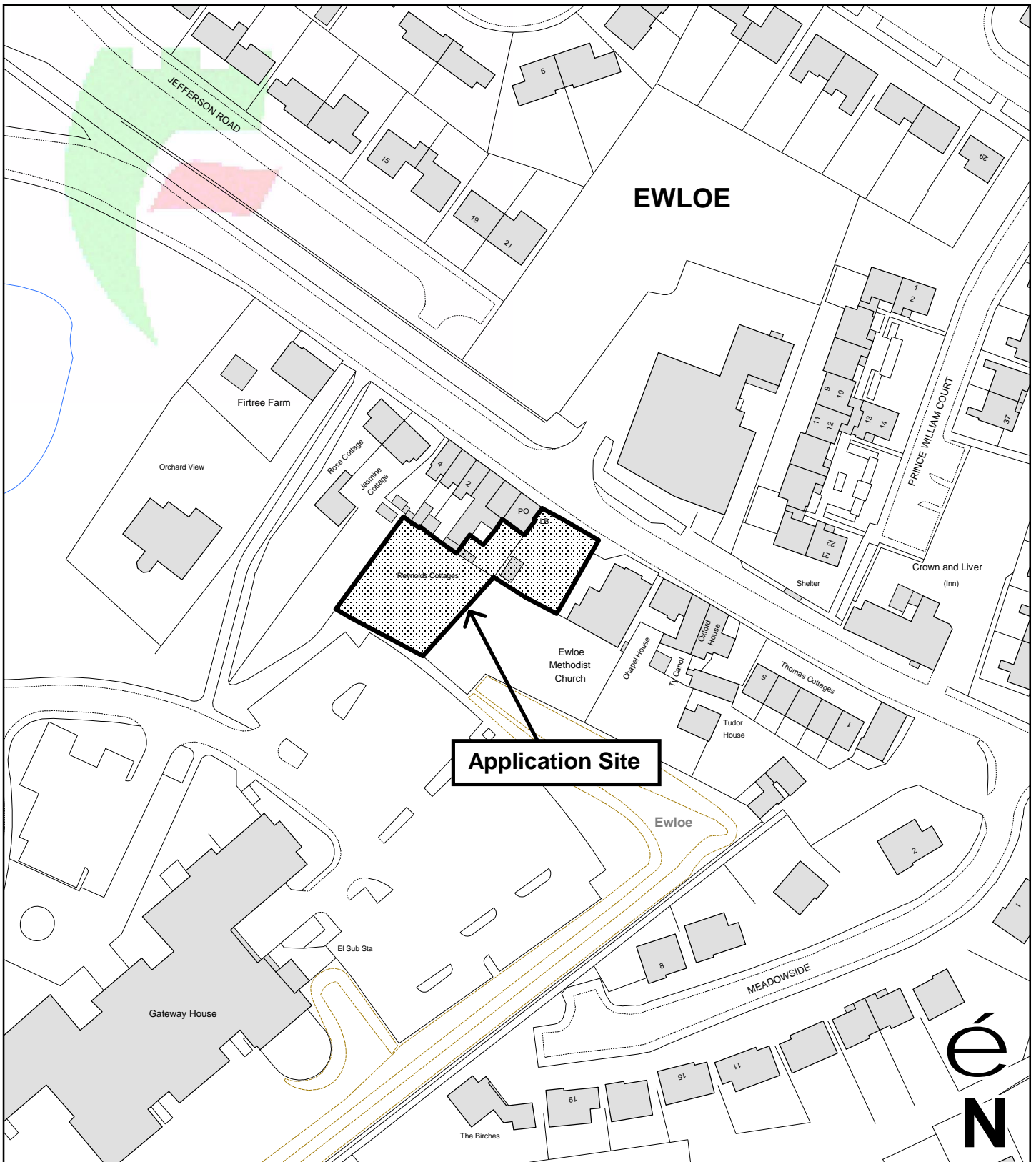
7.02 It was concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

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 Chief Officer: Mr Andrew Farrow

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Map Scale	1:1250
OS Map ref	SJ 3066
Planning Application	57774

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