

Pecyn Dogfen Gyhoeddus

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



At: Cyng David Wisinger (Cadeirydd)

CS/NG

Cynghorwyr: Mike Allport, Bernie Attridge,
Chris Bithell, Derek Butler, Ian Dunbar,
Veronica Gay, Gladys Healey, Patrick Heesom,
Paul Johnson, Christine Jones, Richard Jones,
Richard Lloyd, Mike Peers, Neville Phillips ac
Owen Thomas

Dydd Iau, 25 Chwefror 2021

Sharon Thomas / 01352 702324
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Annwyl Syr / Fadam

RHYBUDD O GYFARFOD ANGHYSBELL
PWYLLGOR CYNLLUNIO
DYDD MERCHER, 3YDD MAWRTH, 2021 am 1.00 PM

Yn ddiffuant,

Robert Robins
Rheolwr Gwasanaethau Democraidd

Sylwch: Oherwydd y cyfyngiadau presennol ar deithio a'r gofyniad am gadw pellter corfforol, ni chynhelir y cyfarfod hwn yn y lleoliad arferol. Bydd hwn yn gyfarfod rhithiol a bydd 'presenoldeb' yn gyfyngedig i Aelodau'r Pwyllgor yn unig. Bydd y cyfarfod yn cael ei recordio.

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

Cyfarfod Anghysbell y Pwyllgor Cynllunio – Cyfranogiad y Cyhoedd

Ni all aelodau'r cyhoedd, gwrthwynebwy'r na chefnogwyr y ceisiadau gyfarch y pwyllgor anghysbell. Gofynnir am eu safbwyntiau cyn y cyfarfod a bydd eu datganiadau'n cael eu cynnwys o fewn pecyn adroddiad y Pwyllgor.

R H A G L E N

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD

3 SYLWADAU HWYR

4 COFNODION (Tudalennau 3 - 6)

I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 13 Ionawr 2021.

5 EITEMAU I'W GOHIRIO

6 ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)

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

ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) AR GYFER Y PYLLGOR CYNLLUNIO 3 MAWRTH 2021

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
Ceisiadau sy'n cael eu hadrodd er penderfyniad (A= adroddiad er cymeradwyaeth, R= adroddiad er gwrthodiad)		
6.1	061618 - A	Newid defnydd o hen fanc (A3) i ddatblygiad preswyl (C3) ac addasu adeilad i chwech o randai. Heb Fanc Lloyds TSB, 2 Ffordd yr Wyddgrug, Bwcle (Tudalennau 7 - 20)
6.2	061454 - A	Newid Defnydd o Ddefnydd Dosbarth C3 (Annedd Preswyl) HMO 110 Dwyrain Ffordd Caer, Shotton (Tudalennau 21 - 34)
6.3	061530 - R	Datblygiad preswyl o 95 annedd (yn cynnwys tai fforddiadwy), mynedfa, man agored a'r holl waith cysylltiedig tir gyferbyn â Higher Kinnerton Meadows, Lôn Kinnerton, Higher Kinnerton (Tudalennau 35 - 90)
6.4	061817 - A	To fflat ar estyniad yn y cefn i ddisodli to ar ongl a gymeradwywyd yn flaenorol 17 Overleigh Drive, Bwcle (Tudalennau 91 - 108)

Sylwch, efallai y bydd egwyl o 10 munud os yw'r cyfarfod yn para'n hirach na dwy awr.

Eitem ar gyfer y Rhaglen 4

PLANNING COMMITTEE **13 JANUARY 2021**

Minutes of the meeting of the Planning Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 13 January 2021

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Derek Butler, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Paul Johnson, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips and Owen Thomas

ALSO PRESENT:

Councillors Ian Roberts, Marion Bateman and Aaron Shotton attended as observers

IN ATTENDANCE:

Chief Officer (Planning, Environment & Economy); Development Manager; Service Manager - Strategy; Team Leader - Planning; Senior Planners; Senior Engineer - Highways Development Control; Senior Solicitor; and Democratic Services Officers

Chief Executive (for minute number 16)

13. THE LATE COUNCILLOR KEVIN HUGHES

As requested by the Chairman, all those present paid a silent tribute in memory of Councillor Kevin Hughes who had been a Member of the Committee.

14. DECLARATIONS OF INTEREST

Councillor Attridge advised that he had been contacted on more than three occasions by the applicant and objectors on agenda item 6.3 (061919).

15. LATE OBSERVATIONS

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

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4854&LLL=0>

16. MINUTES

The draft minutes of the meeting on 2 December 2020 were confirmed as a correct record, subject to the following amendment, as moved and seconded by Councillors Dunbar and Lloyd.

On application 059396, Councillor Attridge referred to his comments shown on the recording of the meeting in which he said he had contacted the Planning Solicitor asking if an investigation or Police referral should be made, having received an email

from the applicant's agent. As Councillor Attridge had provided no further explanation at the meeting, he read out the contents of an email from the Planning Solicitor giving advice on the matter. He asked the Committee Members and officers to accept his sincere apologies for not giving the full picture at the meeting.

In response, the Chief Executive thanked Councillor Attridge for his statement. Having previously advised the Councillor that an explanation, retraction and apology would be appropriate, he would consult the relevant officers on whether they considered Councillor Attridge's response to be adequate for the apology to be accepted. As Head of Paid Service, with a duty of care to officers, he along with the Leader had reinforced with all Group Leaders the importance of avoiding comments being made in public meetings which could lead to the reputation and standing of individual officers, or indeed the Planning Committee being compromised.

RESOLVED:

That subject to the amendment, the minutes be approved as a true and correct record.

17. ITEMS TO BE DEFERRED

No items were recommended for deferral.

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

RESOLVED:

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

19. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there was one member of the press in attendance.

(The meeting started at 1.00pm and ended at 2.45pm)

.....
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 13 JANUARY 2021

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
061263	Bagillt Community Council	Full application - Development of existing waste recycling facility to extend existing building, demolish three buildings, and install new wash plant material processing equipment, storage bays, additional weighbridge, ticket office and new drainage system at Dee Bank Industrial Estate, Bagillt	A statement of objection from the Local Member, Councillor Kevin Rush, was appended to the report on the agenda.	That planning permission be granted in accordance with the officer recommendation.
060614	Buckley Town Council	Reserved Matters - Application for approval of reserved matters following outline approval at land side of 61 Brunswick Road, Buckley	A statement of support from the applicant was appended to the report on the agenda. A statement of objection from the local Town Council was appended to the report on the agenda.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £733 per flat, the monies being used to enhance toddler play provision at Higher Common Play Area, and the conditions within the report, in accordance with the officer recommendation.

Eitem ar gyfer y Rhaglen 6.1

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3RD MARCH 2021**

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

SUBJECT: **FULL APPLICATION- CHANGE OF USE FROM FORMER BANK [A2] TO RESIDENTIAL DEVELOPMENT [C3] AND CONVERSION OF BUILDING TO SIX APARTMENTS.**

APPLICATION NUMBER: **061618**

APPLICANT: **FOUR SQUARE NW LTD**

SITE: **2 MOLD ROAD, BUCKLEY**

APPLICATION VALID DATE: **10th AUGUST 2020**

LOCAL MEMBERS: **COUNCILLOR MRS C ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST SHORTAGE OF RETAIL SITES IN BUCKLEY. WORK HAS STARTED ON THE SITE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the Change of use from former bank [A2] to residential development [C3] and conversion of building to six apartments at 2 Mold Road, Buckley.

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

- 2.01 That conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation, or up-front payment, to provide the following:

Payment of £733 per apartment in lieu of on-site public open space provision. The off-site contribution would be used to enhance existing public open space in the community; namely Higher Common Play area.

Conditions

1. Time Limit
2. In accordance with approved plans
3. External Materials
4. Noise Impact Assessment to be submitted and any recommended mitigation measure implemented in perpetuity thereafter
5. Submission of risk assessment to protect integrity of public sewer crossing site
6. No surface water from increased roof area or impermeable surface to connect to public sewerage network

3.00 CONSULTATIONS

3.01 Local Member

Requests committee determination. Is aware that work has been taking place here, including work that should have had an input at the time from Highways as there have been issues with the highway and paths.

There is a shortage of retail sites in Buckley.

Buckley Town Council

Object on the following grounds:

1. Building work carried out on the property so the application should be seen as retrospective
2. Represents a further diminution of the retail/commercial offer in the town centre
3. No parking provision
4. The building has always been a commercial property and should remain so
5. Home offices could be turned into second bedrooms which could attract families to development
6. Developer has carried out development almost to fruition prior to making planning application
7. At time of writing Town council clerk is waiting on advice from Enforcement officer regarding carrying out of work without planning permission

Highway Development Control

No objection to proposal and make no recommendation on Highways grounds

Community and Business Protection

No objections in principle to this application. However, there may be potential noise issues that will need to be addressed should approval be granted.

Specific measures (particularly to windows) are likely to be necessary to protect the amenity of the future residents.

Therefore, in line with what has been recommended for other such applications a condition requiring a Noise Impact Assessment, with recommendations, if made to be implemented.

Welsh Water/Dwr Cymru

No objection. Requests conditions and advisory notes

Natural Resources Wales

We have no objection to the proposed development as submitted.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

1 Letter of objection received

- No parking
- Work already being undertaken
- Buckley needs offices and shops not flats

5.00 SITE HISTORY

5.01 No relevant site history

6.00 PLANNING POLICIES

- #### 6.01
- Flintshire Unitary Development Plan
 - STR1 New Development
 - STR4 Housing
 - GEN1 General Requirement for Development
 - GEN2 Development Inside Settlement Boundaries
 - D1 Design Quality, Location and Layout
 - D2 Design

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal is a change of use from former bank [A2] and conversion of the adjacent building to create six, one-bedroom self-contained apartments, three of which have a home office.

Site

The application site is the former Lloyds Bank building located on the corner of the Mill Lane Junction in Buckley. The Bank building was built in 1893 and is an attractive and distinctive feature within the Streetscene. The Bank closed in 2018.

The Local Member has made reference to work carried out on the property. It should be noted that any work carried out upon the building by the owner to date is work that did not require planning permission and there is no breach of planning control. In any case, this is not a matter with any material significance on the development proposal.

Principle

The property lies within the defined boundary of Buckley Town Centre but is outside of the Core Retail Area in the adopted UDP. There is therefore no policy control over a change of use in this location. It should be noted that Welsh Government encourages a range of uses in town centres and that this can include residential. The property is not listed but it is an attractive building in a prominent position and has a particular character and features which should be retained as part of the conversion scheme.

The Local Member and Town Council have raised the issue of their being a lack of retail sites in Buckley. Whilst the current A2 use would allow for a permitted change of use to A1 (retail), there is no policy basis to require this given the location of the site outside of Buckley's core retail area, as noted above.

The internal layout of the building would make adaptation into a modern retail unit, for example, prohibitively expensive and would no doubt require the removal of a large number of the original period features of the building. I suggest that the current proposal, which is a thoughtful conversion scheme which retains as much of the original character of the building and which is supported by local and national planning policy, is an appropriate re-use of the site and should be supported on this basis.

Character and appearance

The building is historic in date and is located in a prominent position adjacent to Buckley Town Council Offices and Library, which is a Grade II Listed Building, and Buckley baths, which is a Building of Local Interest (BLI). The bank has been closed since 2018 and it is considered that an appropriate use and sympathetic conversion will help to preserve this important building within the Streetscene.

The main element, the former bank, is an attractive building constructed from red crick with period features such as mullioned windows. The conversion retains these original features, including retaining the original bank entrance with a false door frontage. No new openings are proposed and the conversion has been designed to be as sympathetic to the original building as possible. The resultant scheme will be an attractive feature within the Streetscene that pays suitable homage to its previous use.

The building has remained vacant for over 18mths and it would appear it is not attractive to current commercial investors for business uses. The proposal will repair the building and bring it back into use adding vitality to the location. If the building remains unoccupied it will inevitably deteriorate and the interesting architectural features maybe lost.

Conservation officers initially had concern over the proposed remodelling of the barge boarded gabled elevation of the building that is closest to the listed town council offices. It is evident that this part of the building was formally part of the adjacent terrace of shops as it has the same 'Buckley' red brick facing with elegant dentil detail at the eaves and to the underside of the barge boards all of which share the same slate roof. The proposed treatment of this elevation has been altered and it is considered that the scheme as amended, which retains the brick façade and shopfront, is appropriate for this location, retaining the key architectural and historic features of the existing building.

Living conditions for future occupiers

The existing building is well located to ensure that there are no interface issues arising from the proposed new use. The development utilises existing window openings and does not introduce any new openings that may give rise to any overlooking issues. The windows to the south of the site face single storey commercial properties on Mold road, to the East is the side elevation of Big Fish 2 which is located over 16 meters away on the other side of Mill Lane. I do not consider there to be any interface issues, or loss of residential privacy arising from the proposed new use.

The proposal reinstates a previously covered over courtyard, which is an original feature of the building, and this enables internal light and a limited outlook to be achieved for the internal rooms in the flats. In flat 1 sunpipes have been introduced to enable natural light into the flat where it is not possible to have windows. The Bedroom of Flat 3 and bathroom of Flat 2 are the only rooms across the development without windows facing the external spaces outside of the development. In the case of Flat 3 there are windows in all other rooms and the flat will otherwise benefit from a great deal of natural light. It should be noted that every flat in the development has the benefit of windows with an outlook onto the street and the flats are generally well served by natural light.

Given the location of the building at a highways intersection there may be potential noise issues that will need to be addressed should approval be granted. In order to ensure whether there are any noise issues which may unacceptably impact upon the living of future residents a condition is imposed requiring a Noise Impact Assessment. The assessment will be required prior to the occupation of the units. This report will identify if there are any noise issues and recommend any measures reasonably required to mitigate against the impact of noise on the development. These measures would need to be implemented prior to the occupation of the units and retained thereafter.

There is limited outside space available for the drying of clothes and the storage of bikes in the yard and courtyard at the rear of the development. There is a separate bin storage area, this is located in the area previously used for bin storage although the proposal enhances this area.

Highway Matters

The proposal does not provide any on or off site parking in association with the development. In accordance with Policy AC18 of the Flintshire Unitary Development Plan, and SPGN11- Parking standards, the maximum number of spaces required for 6 flats is 9, namely 1 space per flat and 1 visitor space per 2 flats. The UDP policy, however, specifically mentions that a reduced requirement will be applied in town centre locations. The SPGN states that "Within town centres, as defined in the UDP, operational parking (that is for servicing) shall normally be all that is required, having regard to planning policy objectives to maintain viability and vitality of town centres."

It is also relevant to note that the previous use of the building, as a Bank with Offices above, would require a parking provision of 15 spaces calculated as 1 space per 20m² of gross floor area.

A Planning Inspector, when considering the nearby appeal at Windmill, Mill Lane noted the town centre location and availability of public car parks in the vicinity. She did not find that there was a valid objection to a lack of parking provision at that location. Whilst that particular development did include an element of parking by virtue of its existing car park facility these comments are applicable to the site subject to this report as it underlines the sustainable location from a parking perspective. As such I do not consider that the lack of parking is a material consideration for this particular proposal as it is compliant with the relevant policies and guidance.

Planning Obligations

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.

As both primary and secondary schools have sufficient capacity a S106 contribution towards educational provision will not be required.

However, as no Public Open Space (POS) provision is provided on site by the development and 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. In accordance with the SPGN it is considered that a fee of £733 per apartment is appropriate. This can either be provided through a legal agreement or as an upfront one-off payment.

The closest play area is Higher Common Play Area. It has been confirmed that the pooled contributions thresholds have not been exceeded with regards to Higher Common Play Area.

It is considered that these contributions comply with the requirements of section 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

8.00 CONCLUSION

The proposed change of use is acceptable in principle and will bring a new use into a currently empty building that is supported by national policy. The building is locally significant and is an attractive feature within the street scene which the proposal will preserve and enhance. The development proposes no associated parking but this is acceptable and in accordance with the relevant policies and supplementary guidance given its town centre location.

I consider the proposal to be acceptable and in accordance with the applicable Unitary development plan policies and as such I recommend that the proposal should be approved subject to the conditions and legal agreement outline in paragraph 2.01

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.

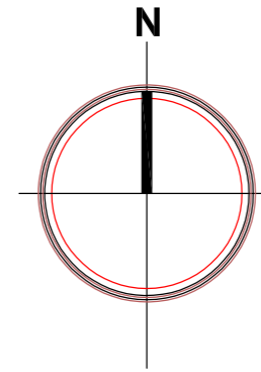
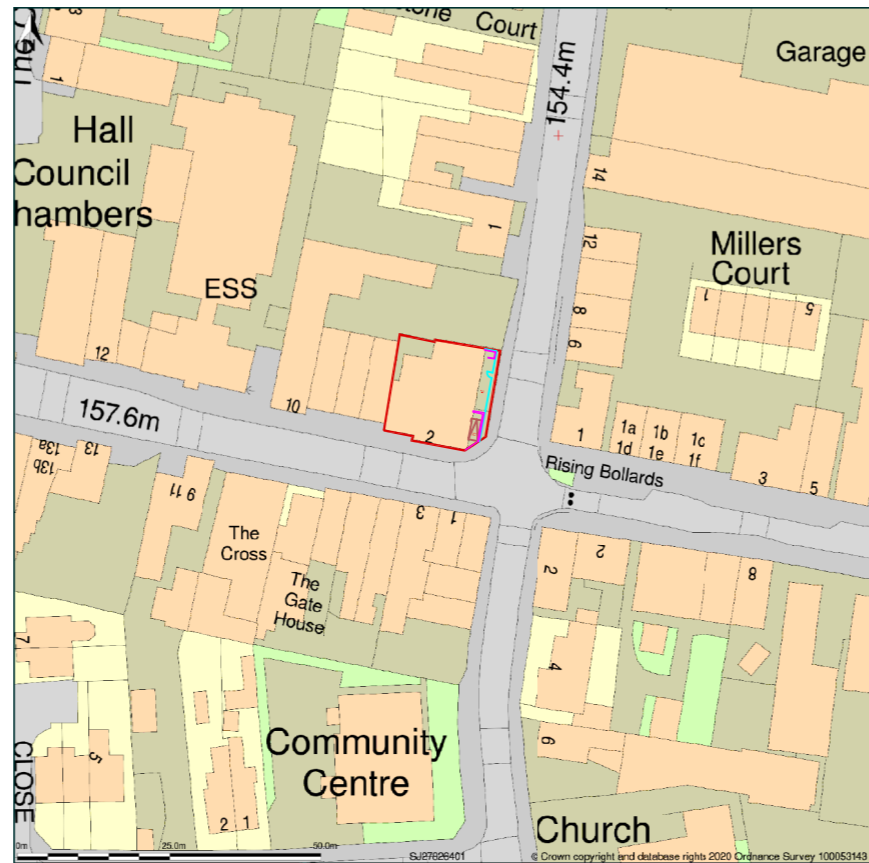
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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
Telephone: (01352) 703262
Email: james.beattie@flintshire.gov.uk



SITE LOCATION PLAN Scale 1:1250

Revision:	P2	Planning Issue.	CB	CB	10.06.20	23.06.20	Planning
Revision:	P1	First issue of drawing.	CB	CB	10.06.20		Prelim



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Project
 Redevelopment of former Lloyds Bank, Buckley For Four Square NW Ltd.

Drawing Title
 Location Plan

Drawn By:	Checked By:	Date:	Scale:
CB	CB	08.06.20	1:1250 @ A3
Job No.:	Drawing No.:	Revision:	
P608	100	P2	



FRONT ELEVATION (SOUTH)

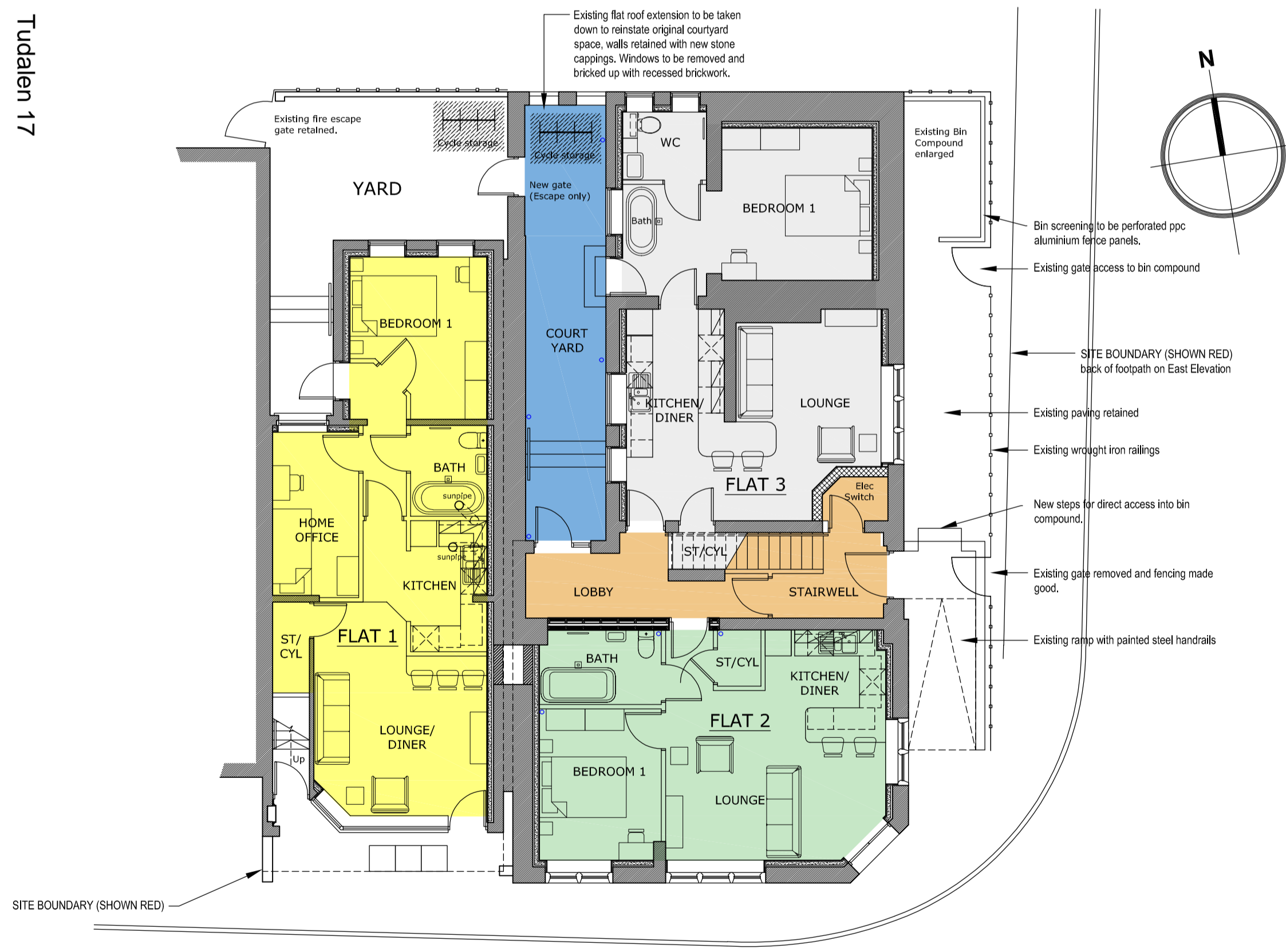
SIDE ELEVATION (EAST)

REAR ELEVATION (NORTH)

PROPOSED ELEVATIONS

Scale 1:100

Tudalen 17



GROUND FLOOR & SITE PLAN



FIRST FLOOR PLAN

PROPOSED PLANS

Scale 1:100

Revision	P6	Entrance canopy revised	CB	CB	10.06.20	15.06.20	23.06.20	04.08.20	04.11.20	08.01.21	Prelim
Revision	P5	Fenestration revised as window schedule.	CB	CB	10.06.20	15.06.20	23.06.20	04.08.20	04.11.20	08.01.21	Prelim
Revision	P4	Room names corrected.	CB	CB	10.06.20	15.06.20	23.06.20	04.08.20	04.11.20	08.01.21	Prelim
Revision	P3	Planning issue.	CB	CB	10.06.20	15.06.20	23.06.20	04.08.20	04.11.20	08.01.21	Prelim
Revision	P2	Revised to client comments; Bathroom furniture updated.	CB	CB	10.06.20	15.06.20	23.06.20	04.08.20	04.11.20	08.01.21	Prelim
Revision	P1	First issue of drawing.	CB	CB	10.06.20	15.06.20	23.06.20	04.08.20	04.11.20	08.01.21	Prelim



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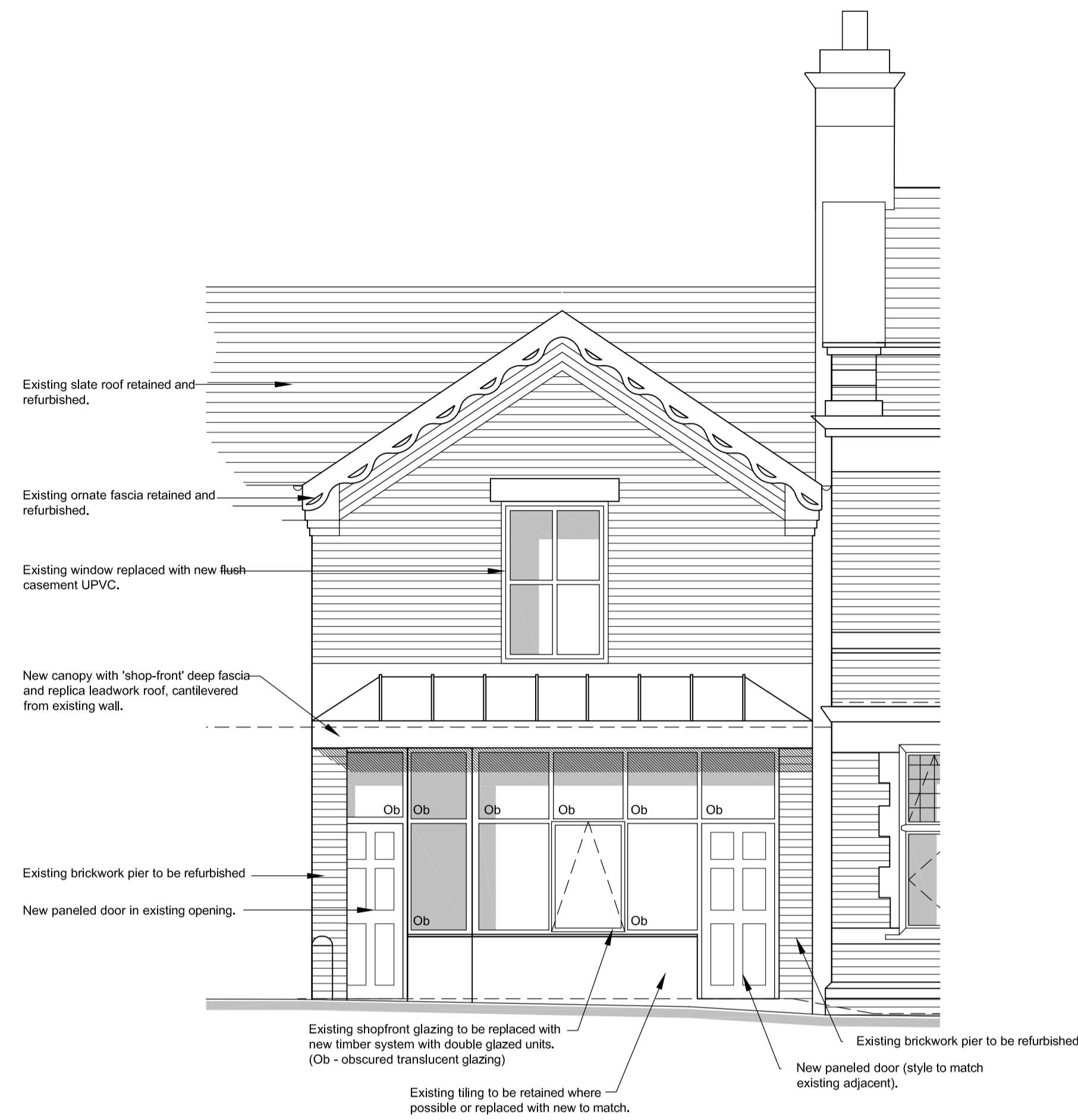
Project
Redevelopment of former Lloyds Bank, Buckley For Four Square NW Ltd.

Drawing Title
Proposed Plans and Elevations

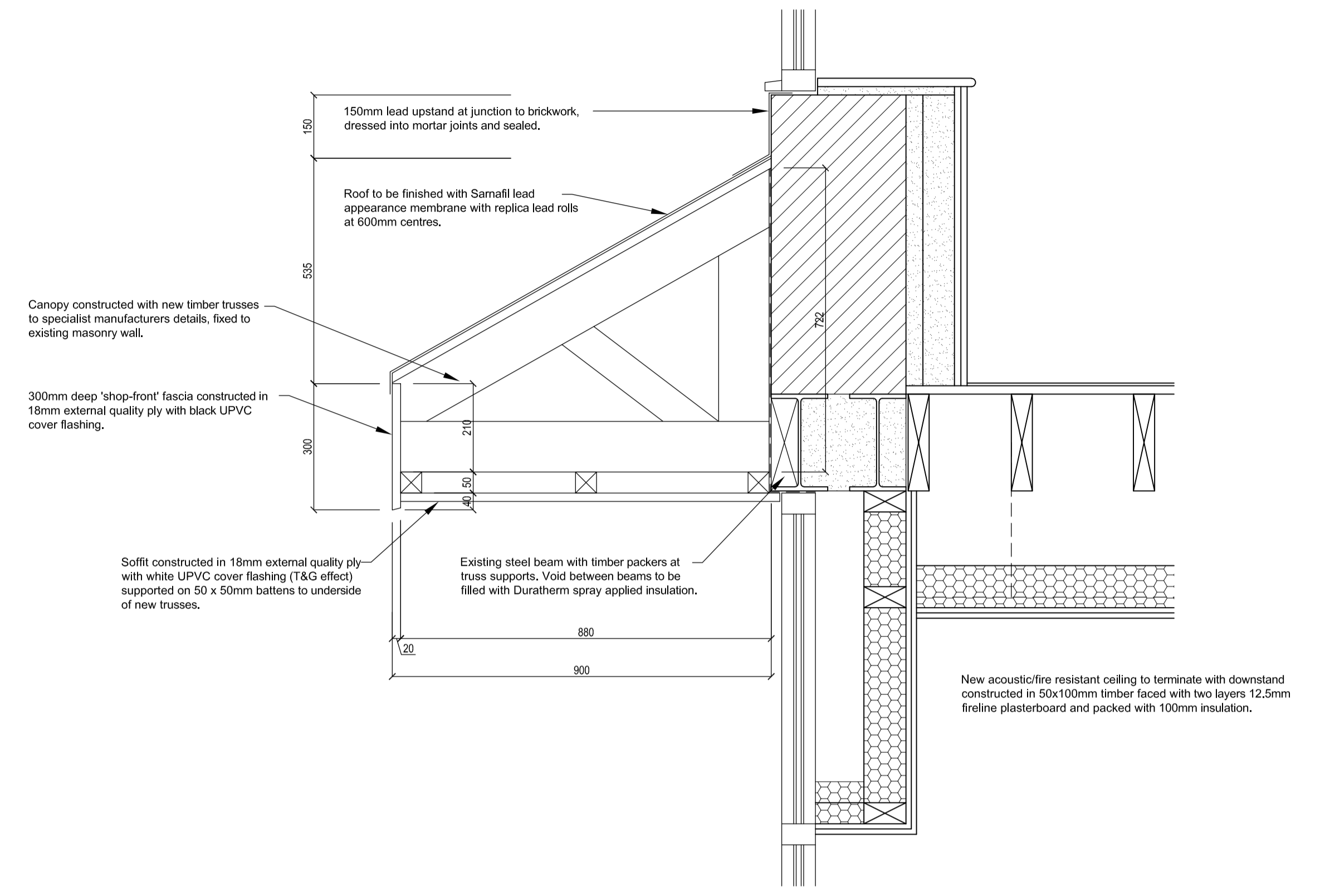
Drawn By	Checked By	Date	Scale
CB	CB	09.06.20	1:100 @ A1
Job No.	Drawing No.	Revision	
P608	300	P6	



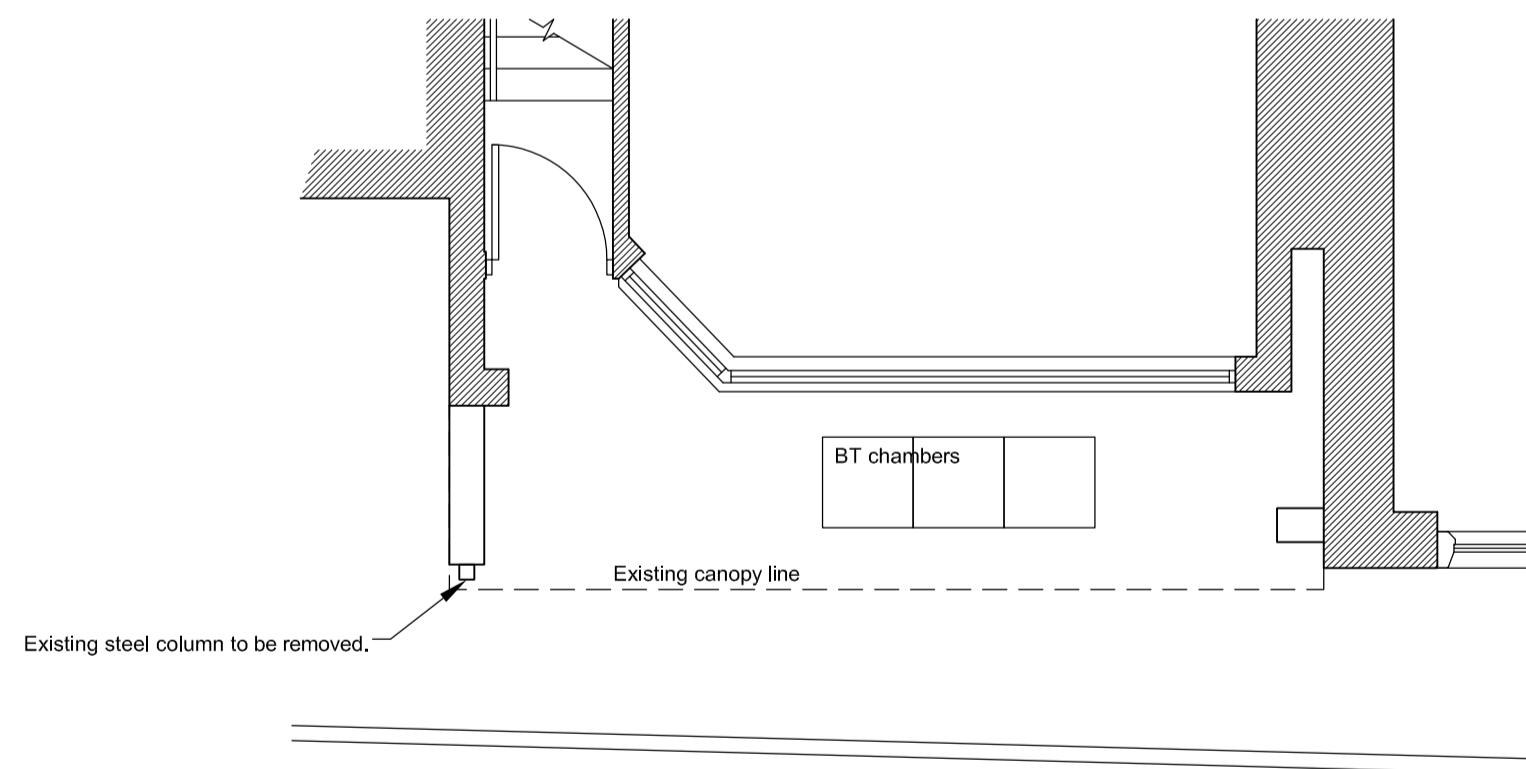
EXISTING ELEVATION (Scale 1:50)



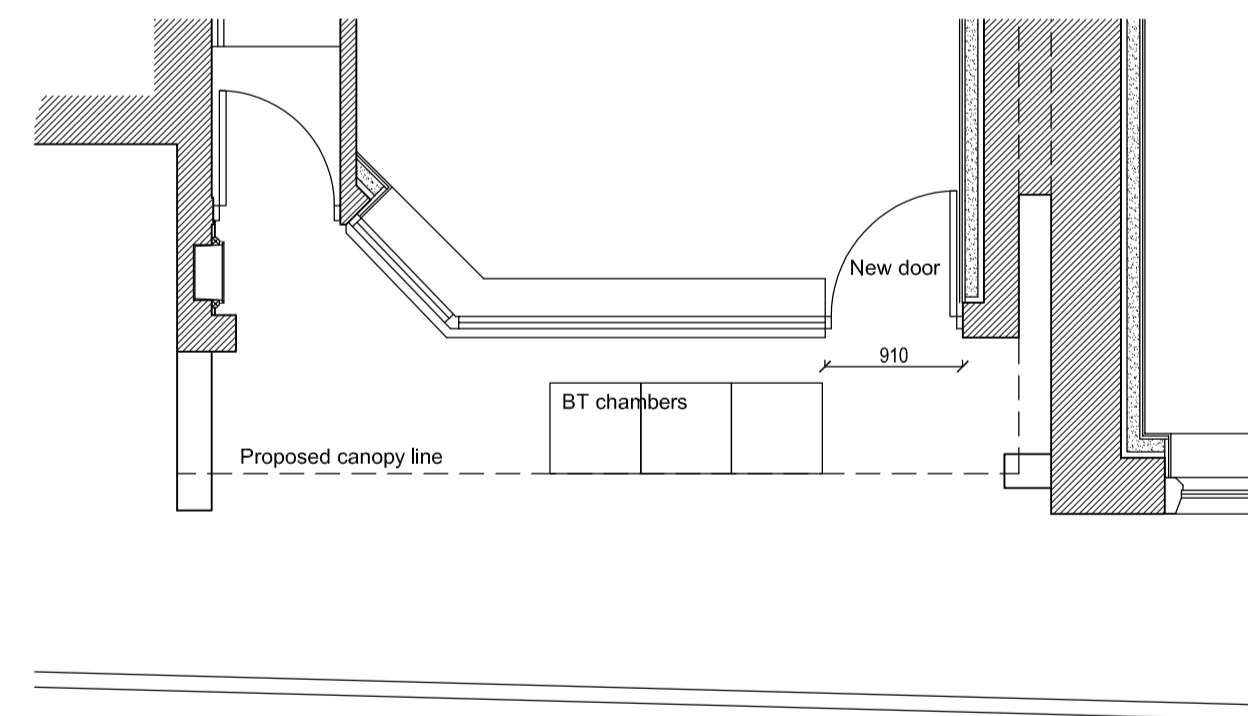
PROPOSED ELEVATION (Scale 1:50)



PROPOSED CANOPY SECTION (Scale 1:20)



EXISTING PLAN (Scale 1:50)



PROPOSED PLAN (Scale 1:50)

Tudalen 18

Revision	P1	First issue of drawing.	CB	CB	08.01.21	Prelim
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Project
Redevelopment of former Lloyds Bank, Buckley
For Four Square NW Ltd.

Drawing Title
Proposed Canopy Details

Drawn By	Checked By	Date	Scale
CB	CB	08.01.21	1:50 @ A1
Job No.	Drawing No.	Revision	
P608	304	P1	

Statement from Ward Member

Regarding application number 061618 change of use of former bank (A2) to residential (C3) former Lloyds TSB bank Mold Road Buckley

I Recall that a similar application on Mold Road required Planning consent before any work could take place that and consent was refused so I wonder why the work on this Building of Character apparently doesn't need permission to make changes .

I had asked for Planning enforcement to attend this site last year along with Buckley Town Council I do believe it was March . in relation to many complaints about work taking place without Planning Consent. I received contact from Members of the public, traders and fellow Councillors .

On many occasions the public were unable to safely use the footpath and a hazard was created as the entrance to the site is next to the pedestrian crossing which during construction caused inconvenience and safety issues. In my view the Road required a closure or division . Buckley Town Council also made representation and raised Enforcement issues whist the work was taking place .

I never received a response and the work and hazard continued for months . I was contacted by James Beattie a couple of days ago to see if I wanted to discuss the application . Unfortunately the two dates he had available I wasn't around . (he did apologise for the length of time it took to respond).

The reason for my objection is the lack of retail units within the Town as stated within the Buckley Masterplan. One of the other redundant banks is hopefully going to be used for retail.

I also have concerns regarding the lack of parking in what is already a congested area when it comes to parking as the location is situated on Buckley Cross which has Traffic restrictions and is close to a Bus stop and buses cannot negotiate the corner frequently.

There could be additional 12 cars plus visitors with no designated parking . I note the mention of Public car parks but the nearest pay and display car park is already used to accommodate the Blue Sky Apartments located on Argoed Road which is full and results in parking on the road into the entrance of Buckley Town Council. The other car park also pay and display is used for Town Centre shoppers and is always busy and also used by the Housing Association Flats as a they don't have sufficient parking.

There is no shortage of flats and apartments in Buckley Town area however there is a lack of retail units in the current Master Plan for the Town the area from Buckley Cross to the top of Mold Road just before the Black Horse pub was designated as a Cultural area.

The Planning Application shows home offices in the development which could at a later date be turned into a bedroom which could result in families living in accommodation which is cramped and unsuitable so hopefully a condition can be imposed to prevent this.

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3rd MARCH 2021**

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

SUBJECT: **CHANGE OF USE FROM USE CLASS C3 (RESIDENTIAL DWELLING) TO A HOUSE OF MULTIPLE OCCUPATION**

APPLICATION NUMBER: **061454**

APPLICANT: **MR JAMES BRUCE**

SITE: **110 CHESTER ROAD EAST, SHOTTON, DEESIDE, CH5 1QD**

APPLICATION VALID DATE: **24TH JUNE 2020**

LOCAL MEMBERS: **COUNCILLOR R. DAVIES**

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER DUE TO CONCERNS REGARDING PARKING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the proposed change of use of the dwelling house at 110 Chester Road East, Shotton, into a five bedroomed House of Multiple Occupation.

The proposed use, albeit it intensified, is still residential and is considered appropriate in this urban location without causing any adverse impact on neighbouring living conditions or highway safety.

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

- 2.01
- Time limit on commencement
 - Compliance with approved plans

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ron Davies – Requests committee determination due to concerns over car parking provision

Shotton Town Council

No response received at time of writing report

Highways Development Management

No objection as the application site is in a sustainable location with easy access to public transport. It is considered that a recommendation of refusal on the basis of a lack of parking facilities may not be justified at appeal.

Community and Business Protection

No observations to make regarding the proposal

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development at this location

Natural Resources Wales

The Flood Consequences Assessment (FCA) submitted demonstrates that due to the nature of the development, the assessment and consideration of flood risk provided and the measures to reduce its impact (i.e. the provision of a first floor communal area) any previous objections have been removed.

4.00 PUBLICITY

4.01 Neighbour notification letters posted. Five letters of objection received raising the following matters:

- The four semi-detached houses located at this address are an isolated settlement within the town where development proposals should be considered very carefully. The inclusion of a House in Multiple Occupation (HMO) would ruin the character of the isolated settlement and would overwhelm it. The scale and intensity of use would not be compatible with the existing building, adjoining and nearby houses, resulting in an impact on community cohesion.

- Social impacts include antisocial behaviour, comprising not only serious incidents, but also endemic low-level antisocial behaviour such as noise nuisance
- HMO houses are harbouring drugs and crime into the area. Covid 19 is not being adhered to and putting residents at high risk
- Inadequate provision for off street parking
- The proposed bus lane could reduce any existing on street parking currently utilised

5.00 SITE HISTORY

5.01 No relevant planning history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 GEN1- General Requirements for Development
 GEN2- Development within settlement boundaries
 AC13- Access and Traffic Impact
 AC18- Parking provision and new development

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the proposed change of use of the residential dwelling at 110 Chester Road East, Shotton, into a five bedroomed House of Multiple Occupation. The main issues to consider in determination of this application are the principle of the development in this location, impact on neighbouring amenity and highway safety.

7.02 Site Description

The application site is a rectangular parcel of land located within the settlement boundary of Shotton as defined in the Flintshire Unitary Development Plan. The site is formed of a four bedroomed semi-detached dwelling with single detached garage to the rear. Pedestrian access is available at the front of the dwelling, where there is also a small garden. The main private amenity space is located to the rear.

7.03 The site is located in a prominent position on the B5129 Chester Road West. To the east of the application site are three residential dwellings of a similar design. A large retail unit and petrol filling station are located to the west; playing fields are located to the south and Deeside Retail Park is located to the north.

7.04 Proposed Development

The application proposes internal alterations to the dwelling to change the use from a four bedroomed dwelling to a five bedroomed House of Multiple Occupation. On the ground floor are proposed two bedrooms with a communal space, kitchen and w.c. whilst on the first floor are the remaining three bedrooms and two bathrooms.

No external alterations are proposed.

7.05 Principle of Development

There are no specific policies within the Flintshire Unitary Development Plan relating to Houses of Multiple Occupation. Accordingly the main policies to consider are GEN1 and GEN2.

7.06 The lawful use of the property is that of a private dwelling (Class C3). The proposed use is a similar residential use albeit with the potential for a greater intensity of that use than may have been the case in the original 4 bedroom house. Whilst the application site and neighbouring three dwellings are a cluster of residential buildings, there are other residential dwellings within a very close proximity. The location has an urbanised character to it and accordingly a House of Multiple Occupation is considered to harmonise with this.

7.07 The application site is considered to be in highly sustainable location, with easy access to public transport and cycling routes. In addition, there are numerous amenities within a very close proximity.

7.08 Concerns have been raised that the proposed development will bring about a rise in noise pollution. The communal area and kitchen are located to the west of the property farthest away from the neighbouring dwelling. In addition, there is no evidence to substantiate that the volume of noise from this development would be significantly greater than any other residential use in this urban location.

7.09 Overall, it is considered that the proposed change of use to a House of Multiple Occupation accords with policies GEN1 and GEN2 and is therefore considered acceptable in principle.

7.10 Highway Issues

Concerns are raised through the Local Member and in the objection letters received with regards to on-street parking issues that currently exist near the application site and that the proposed use will worsen those matters.

7.11 There are no parking standards adopted for Houses in Multiple Occupation but Members are made aware of recent appeal decisions in Flintshire where reference was made to 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. In this case a five bedroomed HMO is likely to require the same car parking provision as a three bedroomed dwelling.

7.12 Currently, the application site benefits from a single detached garage at the rear of the dwelling. This garage is to be retained and utilised. When considering that the proposal would lead to a minimal amount of additional occupiers than the current 4 bedroom family home, the on street parking problems would not be significantly exacerbated to warrant the refusal of planning permission.

7.13 Flood Risk

The development lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004).

7.14 The planning application proposes a retention of the site's highly vulnerable land use consisting of a change of use from a residential dwelling to Housing with Multiple Occupancy (HMO). However, the development would result in an increased vulnerability compared to the existing building use, mainly due to the provision of ground floor bedrooms.

7.13 A Flood Consequences Assessment (FCA) was submitted in support of the application and demonstrates that the site is at significant flood risk. The FCA identifies the landing area as a communal space for residents using ground floor bedrooms, recommends flood resistance and resilience measures, and the development of a flood plan. Natural Resources Wales support the recommendations made in the FCA, however they note that flood resistance measures are unlikely to be effective in the event of a breach flood event. Accordingly, whilst the site is not in strict compliance with TAN15, due to the nature of development, the assessment and consideration of flood risk provided and with measures to reduce its impact (including the provision of a suitable upper floor communal area) any objections with regards to possible flood risk have been removed. The proposed development is considered to be compliant with policy EWP17 of the Flintshire Unitary Development Plan.

7.14 Other Matters

Concerns have been raised that the proposed use will bring about an increase in crime and anti-social behaviour. There is no planning policy requirement which controls the type and volume of residential accommodation. There is also no evidence to substantiate claims that Houses of Multiple Occupation generate greater levels of crime than any other residential use.

In addition, concerns have been raised that the multiple occupancy will lead to an increase in Covid-19 transmissions and breaches of regulations. There is no evidence provided to substantiate these claims and any breaches of regulations would be a matter for other legislation, not the planning system, to enforce.

8.00 CONCLUSION

The proposed change of use from a dwelling to a House of Multiple Occupation would be an appropriate residential use in this urban location. Whilst the development falls slightly below the recommended parking requirements, Members are reminded that there are no adopted parking standards for this use. In addition, significant consideration has been given to the sites highly sustainable location.

It is therefore considered that the proposal complies with local and national policy. Accordingly, I recommend that planning permission be granted subject to condition

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.

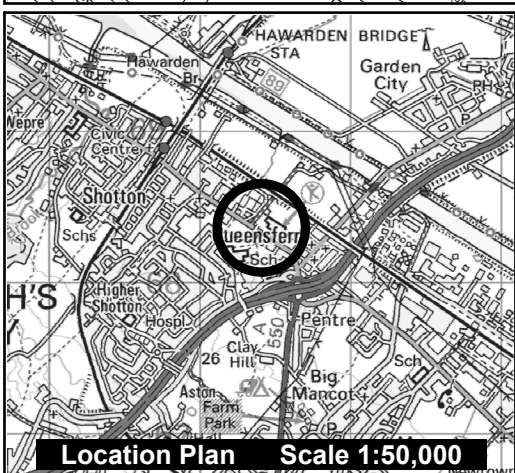
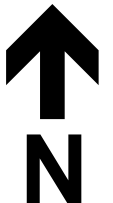
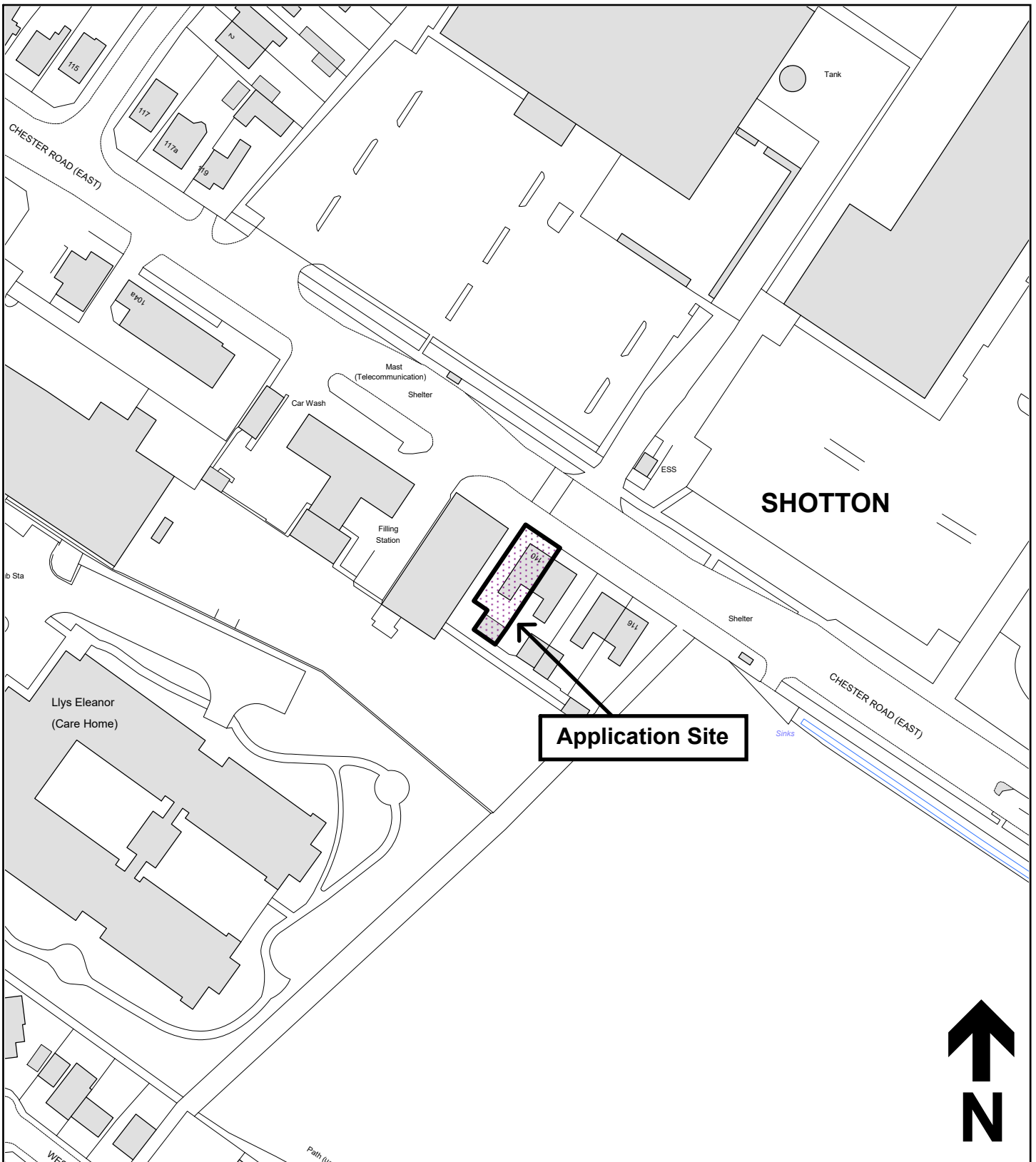
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Claire Morter

Telephone: 01352 703299

Email: claire.e.morter@flintshire.gov.uk



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

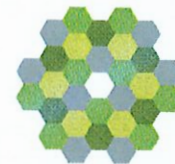
-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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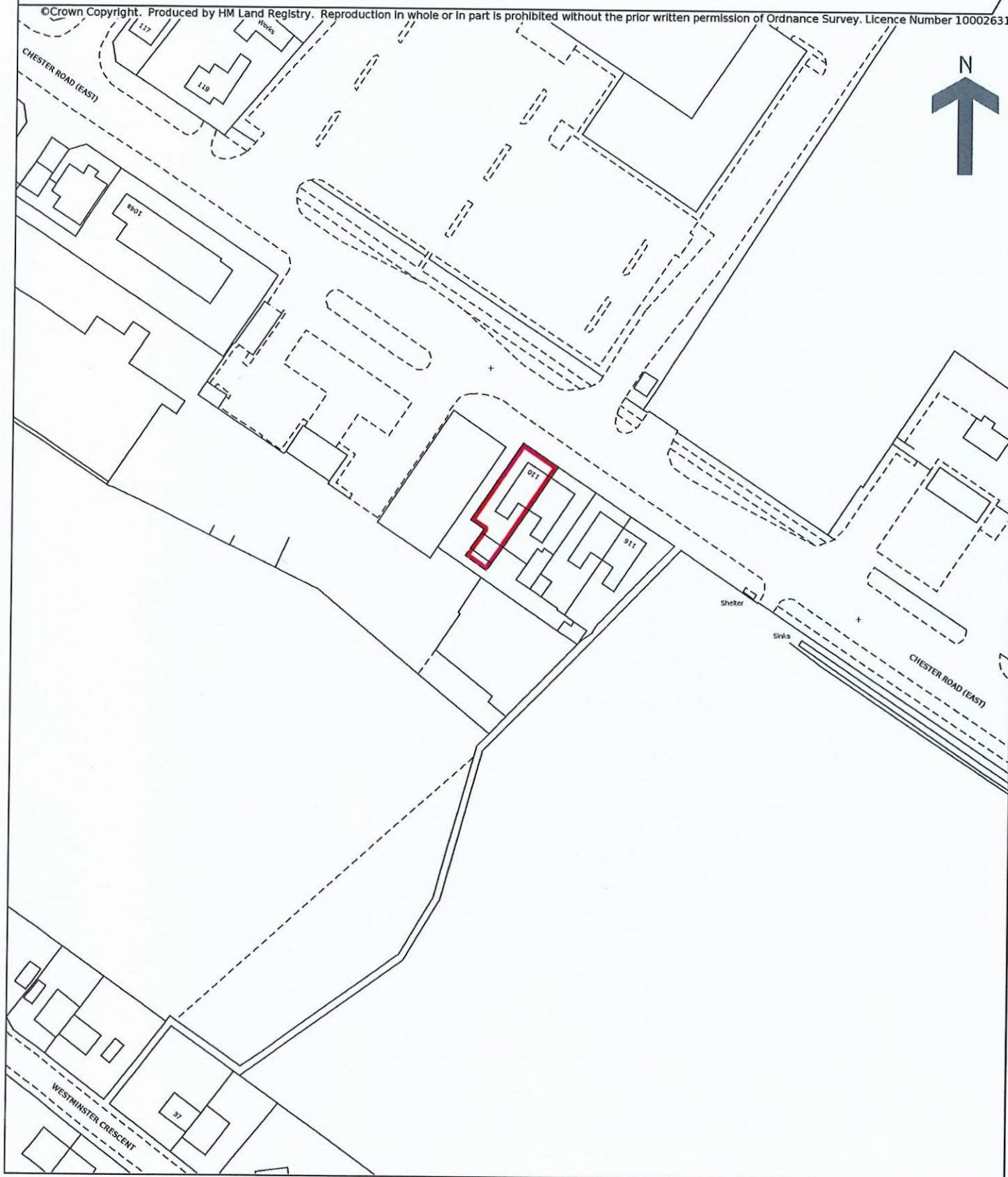
Map Scale	1:1250
OS Map ref	SJ 3168
Planning Application	61454

HM Land Registry
Official copy of
title plan

Title number **WA976633**
Ordnance Survey map reference **SJ3168SW**
Scale **1:1250**
Administrative area **Flintshire / Sir Y Fflint**

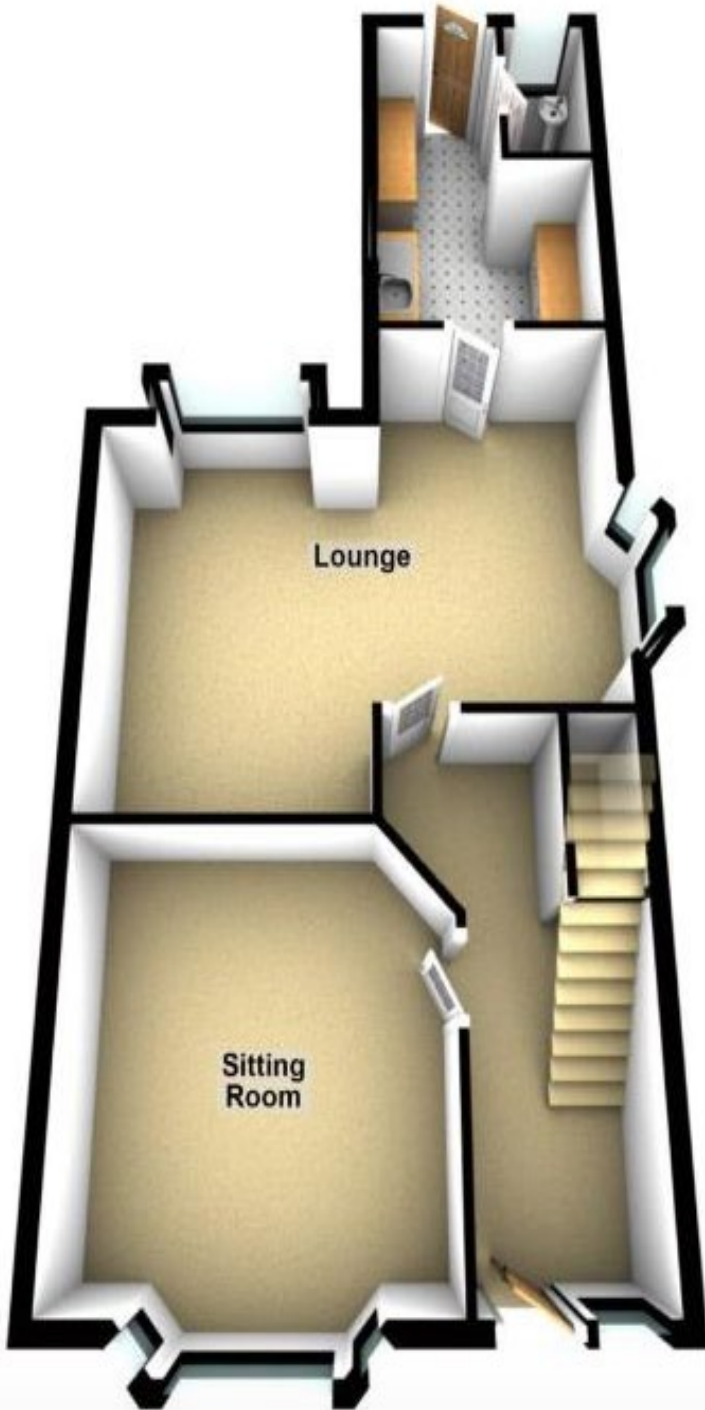


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110 Chester Road East, Shotton, CH5 1QD
Current Layout

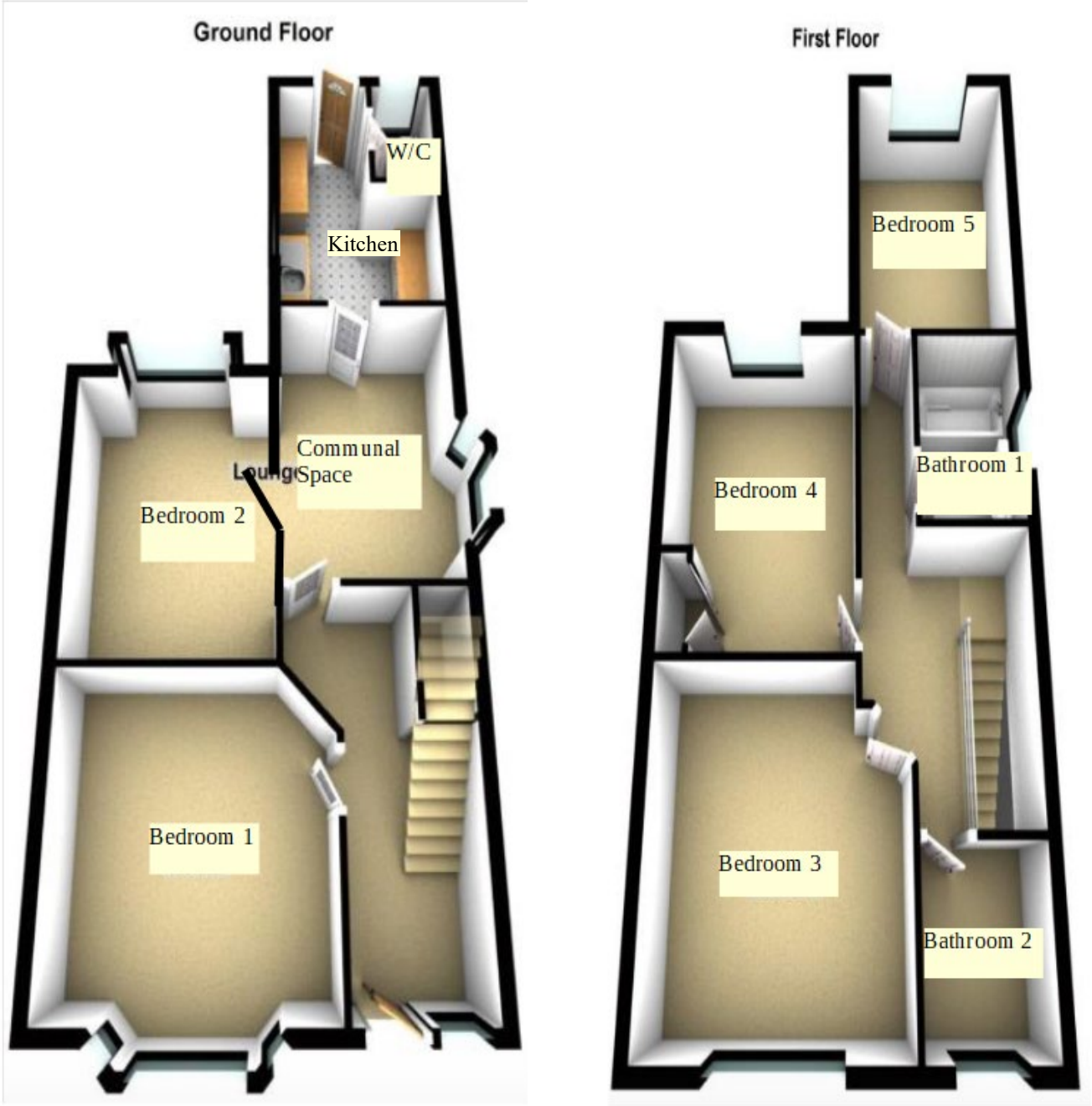
Ground Floor

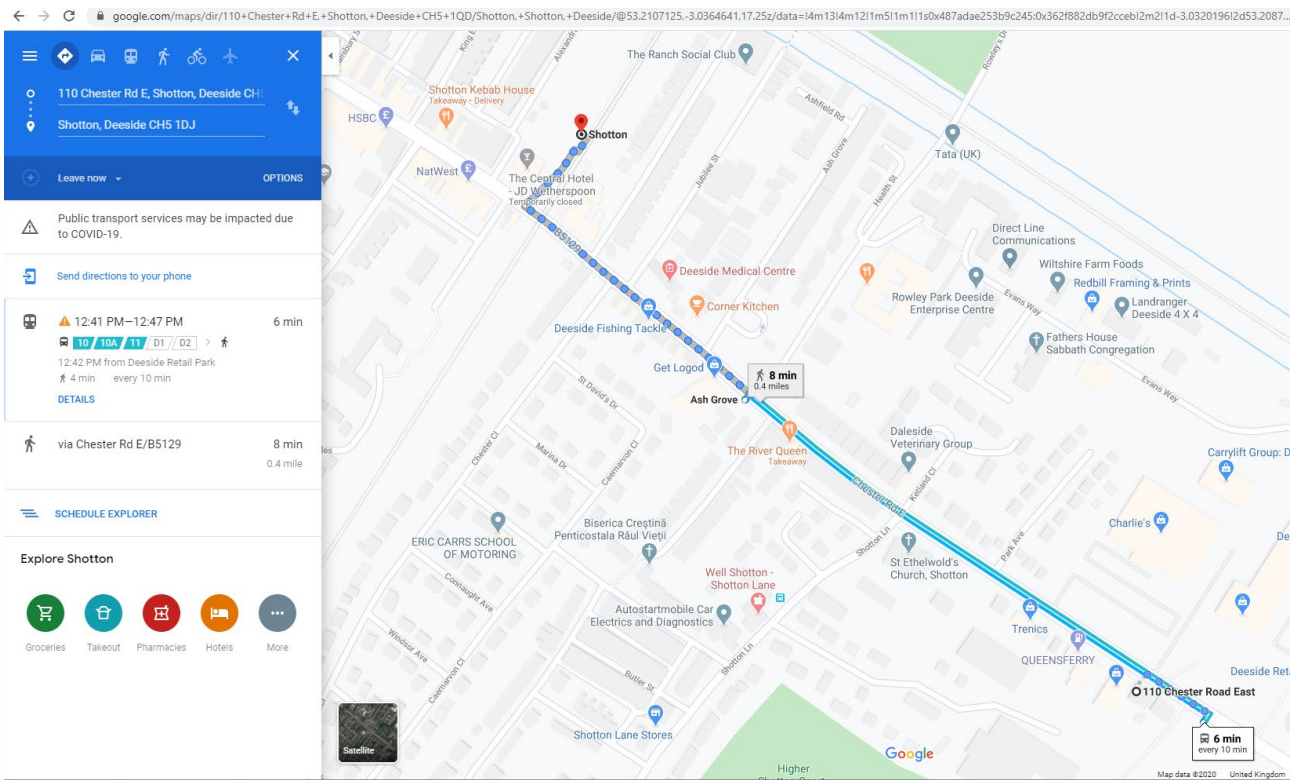


First Floor

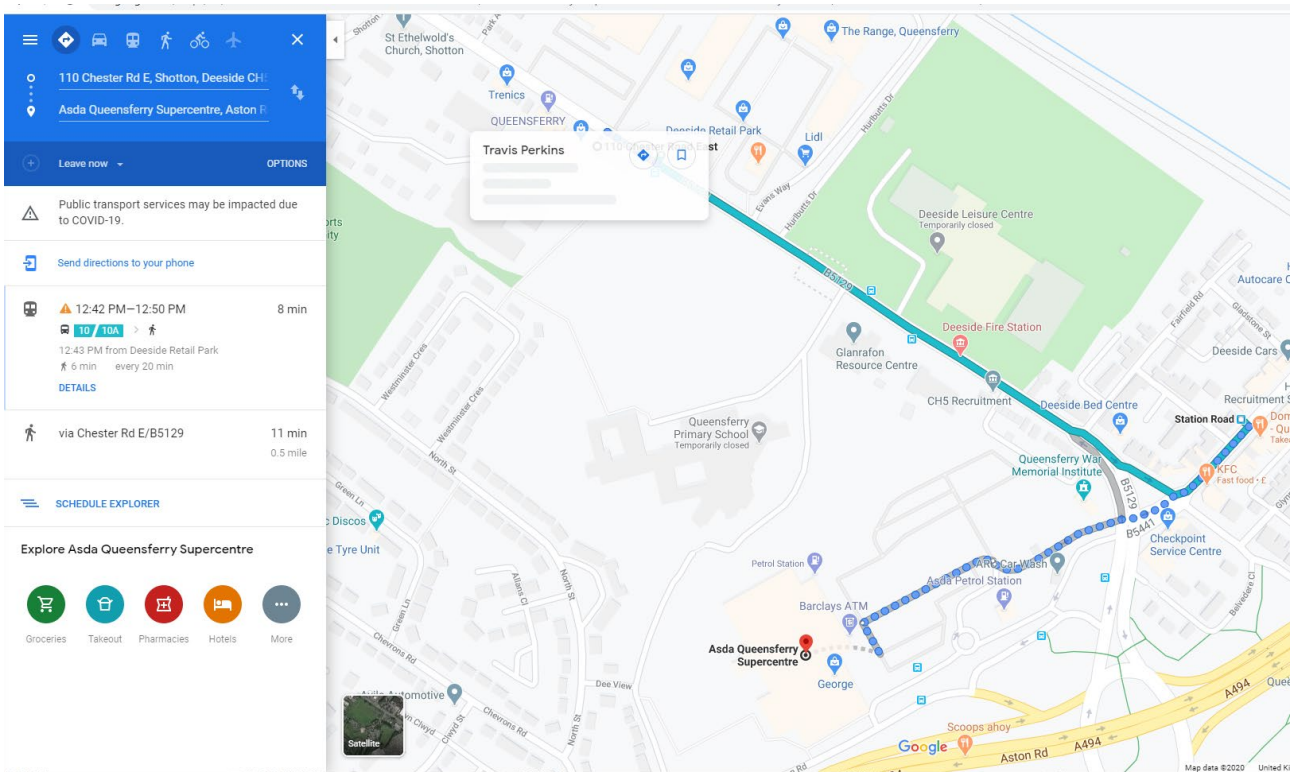


110 Chester Road East, Shotton, CH5 1QD
Proposed Layout





Directions from the Property in question to Shotton Train Station.



Directions from the Property in question to Asda Superstore.

Statement from Applicant

National Resource Wales had an initial objection against this application based on TAN 15: Development and Flood Risk. Comparables were then brought to the attention of NRW showing that no objection had been raised when the sites were in identical floodplains.

Below is a part of the response from NRW as quoted:

"We now advise we have no objection to the proposal. Therefore, please disregard our email and our formal 'objection' response as these were incorrect and inconsistent with our approach and we apologise for any inconvenience caused. The appeal decision (7 Pugsley Street) provided a steer to us on how to approach such applications received after the summer of 2019".

Please see full email response from NRW sent to Claire Morter.

To summarise, there is no longer an objection nor any reason why this Planning Application should not be approved.

Statement from Ward Member

I wish to bring my points of objection to the Planning committee for consideration.

I know the site well, the 4 semi detached properties are isolated from the town Centre.

The inclusion of an HMO would spoil the character of the settlement, the scale would not be incompatible with the other 3 properties and would therefore not achieve the principle set out in STR 4 insofar that it is not appropriate in scale, density, mix and layout.

There are concerns that if granted there could be instances of noise and nuisance to the other properties. The property has NO provision for off street parking.

SPGN 11 guidance says that developments greater than 3 bedroom houses require 1 car space per unit and flats require 1 car space per unit+ 2 units per visitors.

There is no availability of on street parking for any of the 4 properties.

As you will be aware the properties are situated on the busy main road and there is a proposal for a bus lane installed in front of the properties narrowing the wide footpath.

There is a passageway to the side of the property that MUST be kept clear at all times by ALL of the property owners as stipulated in the the deeds of the properties.

The likelihood is that it will be blocked if any tenants try to to park off road.

To change the class of the property will deplete housing stock for the area of houses of this size with this affordable price range.

To remove this house would prevent a family of low income/medium income to be able to afford anything else as this is VERY affordable for the size of the property.

I must make reference to the increase of HMOs in Shotton which is of great concern to local Councillors and residents. Shotton already has its fair share of HMOs enough is enough.

Finally can I refer the Committee to the new FCC initiative namely the Shotton Masterplan which is aimed at raising the profile of the Town as it at this time going through a difficult period as highlighted in the local media.

I sincerely believe that this application could have adverse affects on the aims and aspirations of that VERY important Masterplan

The Town Council are also opposed to this application.

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **3rd MARCH 2021**

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

SUBJECT: **RESIDENTIAL DEVELOPMENT OF 95 DWELLINGS (INCLUDING AFFORDABLE HOUSING), MEANS OF ACCESS, OPEN SPACE AND ALL ASSOCIATED WORKS**

APPLICATION NUMBER: **061530**

APPLICANT: **ELAN HOMES LTD**

SITE: **LAND ADJ TO KINNERTON MEADOWS, KINNERTON LANE, HIGHER KINNERTON, CHESTER**

APPLICATION VALID DATE: **15th JULY 2020**

LOCAL MEMBERS: **CLLR M ALLPORT**

TOWN/COMMUNITY COUNCIL: **HIGHER KINNERTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **DEPARTURE & SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the development on Land adj to Kinnerton Meadows, Kinnerton Lane, Higher Kinnerton for residential development of 95 dwellings including affordable housing, means of access, open space and all associated works. As the site is outside the settlement boundary of Kinnerton, the application has been advertised as a departure from the Development Plan.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS:-

- 2.01
1. It is considered that there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Kinnerton. In the absence of the evidence of need, and in light of the satisfactory levels of residential housing completions, commitments and allocations as set out in the planned housing trajectory in the Deposit LDP, and the Council does not attach considerable weight to the need to increase housing delivery. The proposal, therefore, conflicts with the principles set out in section 4.2 of PPW 10 as it would prejudice the plan-led system with respect to the most appropriate housing sites from being brought forward as set out in the Deposit LDP.
 2. It is considered that the current undeveloped field is of historical significance to the Grade II Listed Buildings of Kinnerton Lodge, Kinnerton Lodge Stables and Compton Hall as former parkland, and this piece of open space should be remain as a buffer between the listed assets and the village. Its loss will harm the Listed Buildings and their setting, along with the historical setting of the curtilage Listed Little Farm. The proposal is, therefore, contrary to planning policy HE1 of the Flintshire UDP.
 3. The site is identified to fall partly within Llwydcoed Royal Park, a 14th-century medieval park. Whilst the exact boundary of the park is unknown, it is considered that there is insufficient information submitted with the application to assess the potential impact upon this archaeological asset fully. Accordingly, the proposal conflicts with Policy HE7 of the Flintshire Unitary Development Plan

3.00 CONSULTATIONS

3.01 Cllr Allport and Higher Kinnerton Community Council

A joint response from the Local Member and Community Council was received, which objects to the proposal on the following grounds:

- HKCC do not consider the proposed speculative development to be sustainable as the village has already absorbed exceptional development on the adjacent large speculative site and the development proposals would not deliver any positive economic, social or environmental outcomes. The proposed development conflicts with Policy Gen 1 (General Development Considerations) as the scale of the proposed development is overbearing, disproportionate to the size of the existing settlement of Higher Kinnerton and would be detrimental to the character of the village.
- Kinnerton Lodge, Stable Range at rear of Kinnerton Lodge, Crompton Hall and Little Farm are all buildings which would be blighted by the

proposed development. In terms of FCC's current planning policies, it is submitted that the proposed development conflicts with Policy HE2 (Development Affecting Listed Buildings and their Settings) as the proposed development would fail to preserve the settings of the aforementioned listed buildings.

- In terms of FCC's current planning policy, it is submitted that the proposed development conflicts with Policy Gen 1 (General Development Considerations) as the development would not have convenient access to public transport. HKCC consider that in determining the Planning Application, a recognition needs to be made that the assessment of local amenities is both inaccurate and misleading. Despite recent development there has been a decline in local service provision and the existing amenities and services to not have the capacity to accommodate the additional development.
- The proposed development conflicts with Policy Gen 1 (General Development Considerations) as the development would have a significant adverse impact on the safety and amenity of nearby residents and the community in general through increased hazards as detailed at the Highways section above. Furthermore, the development would fail to provide safe and convenient access for pedestrians, cyclists, persons with disabilities, and vehicles for the reasons identified at the Highways section above.
- Apart from 95 additional dwellings, the proposed development would not provide any additional long-term benefits as aspired to and detailed in the Higher Kinnerton Village Plan.
- There are comprehensive plans for drainage from this site, but there is no evidence of work being carried out to assess the effect downstream. Lower Kinnerton is already subject to periodic flooding and the additional flow from this site has not been properly considered

3.02 Highways Development Control

Recommends the inclusion of a S106 agreement to cover the provision of off-site Active Travel linkages and to provide funding of £80k to cover costs of future construction.

In respect of the above, the Highways Authority has no objection subject to the imposition of conditions.

3.03 Rights of Way

Public Footpath 5 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction

3.04 Community and Business Protection

No adverse comments to make.

3.05 Conservation

It is considered that the current undeveloped field is of historical significance to Kinnerton Lodge, Kinnerton Lodge Stables and Compton Hall as former parkland, and this piece of open space should be used a buffer between the

listed assets and the village. The importance of separation between the two is recognised by Mr A Thickett BA (Hons) BTP MRTPI Dip RSA, the Planning Inspector appointed by the Welsh Ministers, on Appeal Ref: APP/A6835/A/16/3156854: Land south of Kinnerton Lane, Higher Kinnerton, Flintshire.

It is important that the green open space to the South of Kinnerton Lodge is retained as it is currently to offer a sense of separation from the rest of the village. It is considered that this will preserve the historical setting of Kinnerton Lodge, Kinnerton Lodge Stables and Compton Hall, which are all Grade II Listed buildings. It is also considered that this will also retain the historical setting of the Curtilage Listed Little Farm. On this basis it is suggested that this current application should be refused.

3.06 Housing Strategy

This planning application is for 95 dwellings of which 28 are being proposed for affordable housing equating to a 30% contribution. This is acceptable to housing strategy. Based on the levels of housing need, housing strategy would suggest the mix be revised to the following:

Dwelling type	Social Rented	Intermediate Rent	LCHO	Total
1 bed flat				
2 bed flat				
2 bed house	4	5	2	
2 bed bungalow	3			
3 bed house	1	5	8	
4 bed house	1			
Total	9	9	10	

3.07 Welsh Government – Land Quality Advisory Service (LQAS)

The Department has validated the ALC report survey (Report Ref: 1738/1 by Land Research Associates, dated 13th October 2020). The Department can confirm that the survey has been conducted in accordance with the ‘Revised Guidelines and Criteria for Assessing the Quality of Agricultural Land (MAFF 1988)’ and therefore can be accepted by your Authority as an accurate reflection of the land quality on the site – ALC Subgrade 3b (non BMV land).

As it has been confirmed that the site in question is not BMV agricultural land, the Department for Environment, Energy & Rural Affairs therefore does not object to the proposal.

3.08 Clwyd-Powys Archaeological Trust

Advise that further information is required on the wholly sub-surface prehistoric potential of the plot and the potential sub-surface survival of a

medieval park boundary crossing the land. In the Nexus report conclusions (page 20) it is stated that the Council may consider that the application should be accompanied by information derived from field evaluation and we would agree with this advice.

The proposed development will disturb any sub-surface remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here we would advise that this application is not determined until this resource has been properly evaluated.

3.09 Welsh Water/Dwr Cymru

If you are minded to grant Planning Consent for the above development, Dwr Cymru advise that a number of condition and advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

3.10 Natural Resources Wales

We have no objection to the proposed development as submitted and provide the following advice.

This site is located in Zone A as defined by the Development Advice Map (DAM) referred to under TAN 15 Development and Flood Risk (July 2004), and it is not near a designated main river. Therefore it does not fall into our consultation checklist requirements, and we have no comments to make on flood risk grounds.

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

3.11 Airbus

Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria and revised amendments as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development has an impact on operations and safeguarding criteria, and the submission of a scheme of aerodrome safeguarding measures via condition is required for mitigation.

3.12 Education

In response to the consultation of this planning application, Education have confirmed that the proposed development would trigger the need for financial contributions at the nearest and most suitable primary and secondary schools, Ysgol Derwen and Castell Alun High School, respectively. The proposed development would generate the addition of 23 primary pupils and

17 secondary pupils. Therefore a primary contribution of £281,911 (23 x £12,257.00) and a secondary contribution of £313,973.00 (17 x 18,496.00).

3.13 Ramblers Cymru

While no public path is directly affected, a public path adjoins the development and is being laid out as a "spine path". We are concerned at a further large extension of the village into rural areas and would ask FCC to rigorously check that the proposal meets current policy requirements and provides appropriate, affordable housing to provide for local needs. We are however, concerned that the proposal makes inadequate provision for "Active travel" and does not guarantee the "Public Open Space" in perpetuity. There is only one path link provided to the adjacent public path. We would suggest further links from each of the other cul de sacs to cater for other "desire lines" to local services. There is also likely to be a "desire line on foot" from the south east corner housing cul de sac to near the "lake" and then on into village. We are also concerned about the arrangements for the "Open Space" in perpetuity. The "Management Plan variously describes this as "communal open space" and then as "Public Open space", but communally owned and managed by an agent company. We would ask that a covenant or similar legal agreement is required (or dedication as "Open Access land") to ensure that PUBLIC access on foot is guaranteed in perpetuity and that there are safeguards to prevent it ever being developed (or sold on) for any commercial or building purposes.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

60no. responses received at the time of writing raising the following objection:

- Surface water problems, the area acts as a flood plain.
- Lack of school places
- Other sites nearby are being developed and left unsold for a period of time
- Overdevelopment
- Unsustainable location
- The Higher Kinnerton Village plan has this area marked as unfavourable
- The Flintshire LDP at Warren Hall already has a very large area marked for property development
- Impact on roads and road safety,
- Landscape and visual impact of developing the open countryside
- Negative effect on the village's character and appearance
- The proposal will lead to further development and encroachment
- Loss of productive agricultural land
- Impact on the sewage system, water supply and other Services
- Dependency on private car as a means of transport
- No facilities in the village to support such a large 95 house expansion, current services full to capacity

- There is a shortage of one bedroom/retirement properties, not family homes
- Noise impacts from the development;
- Potential drainage impacts from surface water on nearby Properties
- The proposed development would be dominant and out of keeping with its surroundings and would therefore harm the character and appearance of the immediate and wider area of the open countryside
- Cause Loss of light and overbearing impact to the adjacent properties
- The development would have a significant displacement impact on this wildlife.
- Impact upon adjacent developments play facilities.
- Public transport improvements needed.
- The proposal fails to preserve the settings of Crompton Hall, Kinnerton Lodge and The Coach House and that any subsequent application for planning permission would need to be refused on the basis of irresolvable conflict with UDP Policy HE2 and PPW

5.00 SITE HISTORY

5.01 No relevant planning history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 STR1 New Development
 STR4 Housing
 STR7 Natural Environment
 GEN1 General Requirements for Development
 GEN3 Development in the Open Countryside
 D1 Design Quality, Location and Layout
 D2 Design
 D3 Landscaping
 TWH1 Development Affecting Trees and Woodlands
 TWH2 Protection of Hedgerows
 L1 Landscape Character
 HE2 Development affecting Listed Buildings and their Settings
 HE7 Other Sites of Lesser Archaeological Significance
 WB1 Species Protection
 AC13 Access and Traffic Impact
 AC18 Parking Provision and New Development
 HSG4 New Dwellings outside Settlement Boundaries
 HSG8 Density of Development
 HSG9 Housing Mix and Type
 HSG10 Affordable Housing Within Settlement Boundaries
 RE1 Protection of Agricultural Land
 SR5 Outdoor Playing Space and New Residential Development

Flintshire Planning Guidance Notes
 SPGN No. 2 Space Around Dwellings

SPGN No. 9 Affordable Housing
SPGN No. 11 Parking Standards
SPGN No. 23 Developer Contributions to Education
PGN No. 13 Outdoor Space Requirements
SPGN No 6. Listed Buildings

National Policy and Advice Notes
Planning Policy Wales Edition 10 (December 2018) (PPW10)
TAN2: Planning and affordable housing
TAN6: Planning For Sustainable Rural Communities
TAN24: The historic environment

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the development on Land adj to Kinnerton Meadows, Kinnerton Lane, Higher Kinnerton for residential development of 95 dwellings including affordable housing, means of access, open space and all associated works.

7.02 The site and surroundings

The site comprises a 6.11 hectare area of greenfield agricultural land which is located within the open countryside. The site is irregular in shape and rises towards the west. The site is grassland with a number of trees upon boundaries, and within the site. The site is bounded to the east by the Elan Homes “Kinnerton Meadows” development with the listed buildings of Crompton Hall Farm to the South and Kinnerton Lodge to the west. A small area of the site has been used as a compound for the adjacent development, with a number of temporary portacabins and building materials on site. There is currently a stockpile of topsoil on the site from the creation of the temporary compound. A mature hedgerow bounds the majority of the site with Footpath No 5. located to the east of the site, between the proposal and the village.

7.03 The Proposals

This is a full planning application for the erection of 95 No. dwellings; the proposed dwellings are predominantly two-storey in nature, although 4No, bungalows are also proposed. The dwellings are a mixture of detached, semi-detached and mews properties, comprising:

- 14No. 2-bed units (including 7no. bungalows);
- 30No. 3-bed units;
- 34No. 4-bed units; and
- 16No. 5-bed units

The proposed layout provides for a 30% provision of affordable housing.

7.05 The proposed development would be accessed from a new access point created onto Kinnerton Lane. A pedestrian footway network within the site is proposed to connect into the existing footpath to the east of the site, with this footpath being upgraded as part of the neighbouring development. This facilitates pedestrian access from the site to Park Avenue to the south. Green public open spaces (POS) is proposed within the development and mature trees which exist will be incorporated within the landscaping of the site.

7.06 Principle of Development

The site is located outside the settlement boundary of Higher Kinnerton in the adopted UDP, and therefore the proposed development is clearly contrary to the development plan. It is acknowledged that parts of the UDP are now outdated, particularly in respect of settlement boundaries, as reflected in a number of appeal decisions that were made prior to July 2018 when the Minister dis-applied para 6.2 of TAN1 and launched her call for evidence into the provision of housing via the planning system, which has now concluded with the deletion of TAN1 in its entirety as it was not fit for purpose, in recognition of the unsustainable impact of unplanned speculative development on communities. Since the full revocation of TAN1 two appeal decisions have been allowed, but these both had particular circumstances and benefits with the Rhos Rd (South), Penyffordd delivering an over 55's development and the Poor Clair Convent, Hawarden utilising a brownfield residential site. There does not appear to be any specific circumstances relating to the application that allow relevant comparison.

7.07

The key determining factor is whether the proposal represents sustainable development and whether there are material planning considerations that would outweigh the development plan. A further factor, which is given considerable weight by the applicant, is whether weight should be attached to increasing housing delivery. In this context, the focus has clearly moved away from each LPA being required to have a 5 year supply of housing land, removed with the deletion of TAN1, to a system of delivering housing based on the trajectory in a Local Development Plan.

7.08 Sustainable Development

There is no dispute that Higher Kinnerton is a sustainable location to accommodate development during the LDP Plan period. The UDP contained a housing allocation at Main Rd and the 34 units were developed during the UDP period. In the LDP period 2015 to 2030, planning permission was granted on appeal for the adjacent Elan Homes scheme for 56 dwellings and construction is progressing. This would represent a level of growth which is broadly consistent with that experienced in the UDP period. The present proposal for 95 dwellings would represent a much higher level of growth over the LDP period. The LDP has moved away from a prescriptive growth band type approach to distributing housing development, to a more refined approach based on identifying the most sustainable locations and sites based on the first three tiers of the settlement hierarchy. The spatial approach in the LDP is not premised on every settlement having to make planned growth and

there are another 21 Tier 3 settlements. Policy STR2 identifies Higher Kinnerton as a Tier 3 Sustainable Settlement and the policy directs that these 'will be the locations for housing development related to the scale, character and role of the settlement'. It is considered that Higher Kinnerton is already providing for an appropriate level of growth in the Plan period and it is not necessary or appropriate for further development to take place. To do otherwise would make a mockery of the exception already made for the development of 56 dwellings, and would lead to the same incremental harm being created to this tier 3 settlement, as has already been permitted by cumulative appeal decisions under TAN1 in Penyffordd/Penymynydd nearby, which was a key factor that precipitated the review of that policy and its subsequent deletion.

7.09 Taking a broader context, the settlement and site also lies in close proximity to the Warren Hall Strategic Mixed-Use Site which is allocated in the Deposit LDP (STR3b) and includes 300 dwellings. This is a site that is already allocated in the UDP for a business park and already has outline planning permission for a business park but the size of the allocation and the mix of uses has been broadened in the LDP. The site forms an important part of the Growth Deal for North Wales and there is a publicly declared commitment to funding the necessary infrastructure to deliver this important site. The site will bring key economic and social benefits and will contribute to the growth agenda, in a manner that this application site cannot. It is also of concern that the application site would prejudice the delivery of the housing element of the strategic site by diverting market attention away from it.

7.10 The Deposit Plan is therefore already providing for the needs of Higher Kinnerton and the surrounding area over the Plan period in a balanced and sustainable manner, where the sites identified have clear evidence of deliverability and do not cause planning harm, in contrast to this speculative application site. There are other concerns relating to the sustainability of the site and these will be commented on later in this document in the form of comments on the agents planning statement. This specifically focusses on the loss of Best and Most Versatile Agricultural Land and concerns that the proposal does not represent a logical extension to the settlement in terms of the existing form and pattern of built development and the presence of listed buildings at either end of the site.

7.11 Housing Land Supply

Welsh Government has permanently revoked TAN1 and as a result of this is that there is no longer a requirement to maintain a 5 year supply of housing land, and has also removed all of the other provisions previously within TAN1, including the monitoring of supply against a Joint Housing Land Availability Study. Instead, housing delivery for each authority will be measured against the trajectory in the adopted LDP. For those authorities who adopt a Plan following the publication of the revised Development Plan Manual guidance (including Flintshire) the Anticipated Annual Build Rate (AABR) method will be used. This is a significant material change in relation to the consideration of planning applications for speculative housing development.

- 7.12 In relation to the new approach to measuring housing provision against the LDP trajectory, whilst the LDP is not yet adopted, Welsh Government have confirmed that the use of the draft LDP trajectory is a material consideration in assessing speculative applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver not only the amount of housing it is required to meet, but also the rate provided in the plan taking account of the flexibility allowance of 14.4%. It is also the case that the predominant supply in the earlier years of the LDP trajectory is delivered by existing commitments that already have planning permission, and as such, there is nothing for the LDP Examination to consider in relation to the deliverability of this element of the Plan's proposed supply.
- 7.13 The early years of the trajectory up to 2022 show that the plan can continue to deliver primarily from commitments and maintain the delivery rate planned for and experienced in the early part of the plan period. The sites allocated in the deposit LDP that do not already have planning permission, do not feature in the trajectory until 2022 onwards. It should also be noted that of the 13 strategic and housing sites allocated in the LDP which will contribute housing towards the overall requirement figure, 4 already have planning permission and or are already delivering housing, and a further 2 lie within existing settlement boundaries in the adopted UDP and so are capable of early delivery prior to adoption. A further 2 are the subject of current planning applications. Taken together there is a significant degree of certainty that the majority of the sites allocated for housing in the LDP are sustainable, part of a sound plan, may come forward prior to adoption, and are capable of the early delivery of housing. Against this context there is clearly adequate provision for housing and no identifiable shortfall in supply.
- 7.14 The Council published (before the announcement of TAN1 being revoked) its April 2019 Housing Land Monitoring Statement which evidences a '5 year supply figure' of 2533 units and a further 878 units in Category 3 i.e. beyond 5 years. In addition to this is 5 year average supply figure of 447 units and a s106 pending sites figure of 61 which gives a total 5 year supply of 3041 dwellings. Although this is no longer directly relevant, it does serve to demonstrate that there is an existing healthy supply of land with which to deliver housing.
- 7.15 The applicant references that the 'most recent 'tested' measure of delivery is the 2014 Joint Housing Land Availability Study'. However, this JHLAS report for April 2014 presently has no standing as a material consideration given that TAN1 has been revoked. The Council has continued to undertake a yearly housing land monitoring study in consultation with a Study Group, and each of these demonstrates, factually, that a supply of land exists and that

completions are taking place. Although within the terms of the previous TAN1 the Council could not formally undertake or demonstrate a 5 year supply calculation (as it does not have an up to date adopted development plan) the Council has provided informal calculations of supply. Firstly a measurement of supply against past completions (the completions method) has been undertaken which shows that over a 5 year period the land supply is 5.59 years and over a 10 year period the land supply is 6.79 years.

- 7.16 Secondly, a measurement against the Plan's annual average requirement has been undertaken (the residual method) which shows against an average requirement of 463 units there is a land supply of 6.6 years. Although these figures have no formal standing (either at the time TAN1 was in force, or since its permanent revocation) they clearly demonstrate factually that the County does indeed have a supply of housing land not only available, but also that it is being delivered. It is this same factual background evidence which feeds into the LDP's housing trajectory as commented on below.
- 7.17 In addition to the position set out in the Annual Monitoring Reports there is also the additional supply provided by allocations in the Deposit LDP. A Background Paper on Housing Land Supply was published alongside the LDP which explains the various components of housing land supply and sets out a Housing Trajectory to illustrate delivery over the Plan period. Appendix 4 and 5 of that background paper showed that (at the time of Deposit consultation) a 5 year supply can be achieved on adoption. The commentary above demonstrates that delivery has and will take place during the early years of the Plan period.
- 7.18 The evidence base alongside the Deposit LDP clearly demonstrated that a 5 year housing land supply could be delivered (in the context of the now revoked TAN1). In the context of the new arrangements for monitoring housing provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for speculative development on a greenfield site not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states 'The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being 'unsound'.
- 7.19 The starting premise for the Examination of the deposit LDP is that the plan is considered sound unless it can be demonstrated to the contrary by evidence based objections. It is not the role of the Examination to seek to find ways to find the plan as written unsound, but to ensure that sufficient evidence exists to support this starting premise of soundness. In this context it is correct to give the draft housing trajectory weight for the purpose of monitoring

housing provision and land supply against the new approach to this set out in PPW and DPM3. Given that both of these sources are otherwise silent on the means to monitor delivery and supply for a deposit plan not yet adopted, if weight is not given to the 'direction of travel' clearly indicated by the trajectory (bearing in mind also that early supply is predominantly from commitments), then the best that any decision maker can do is to conclude that it is not possible to come to a conclusion on the situation of land supply.

7.20 In this context, and given the imminent examination of the soundness of LDP and its provision of housing to meet the identified requirement, it would be unsafe or irrational to give weight to such an unknown and determine a speculative application for housing in this context. This is particularly the case when a significant exception has already been made on land adjacent to the application site, but where now the applicant seeks an 'exception to the exception' which is neither a sound nor sustainable proposition in its own right. Finally, given the uncertain but clearly apparent negative effect that the Covid 19 situation has had on the building industry, the market, and on buyer confidence and demand, and in light of the recent Welsh Government Ministerial letter that such effects should be assessed as part of development plan process, it would seem to be illogical to make decisions on speculative sites totally outside of this guidance and due process.

7.21 Impact upon Heritage Assets

The current greenfield site is recognised as a former historic parkland associated with the Kinnerton Lodge estate, which included the Kinnerton Lodge, Kinnerton Hall and Compton Hall. These three buildings are all historic in date and are located in varying positions adjacent to the proposed development site. Cadw has designated these three buildings as Grade II Listed along with the Kinnerton Lodge stable range, which also sits adjacent to the proposed development site. The outbuildings that are located within the curtilage of each of the three primary buildings are regarded as curtilage Listed buildings, and these include the building known as Little Farm.

7.22 Policy HE2 - Development Affecting Listed Buildings and their Settings of the Flintshire UDP seeks to protect listed building from inappropriate development, which includes development which may affect the setting of a listed building. The policy states that development within the setting of a listed building will only be permitted where it has no adverse effect on the building's special architectural or historic character and appearance.

7.23 Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The empty green space of the proposed development site currently contributes in a positive way to the setting by allowing distinctive and attractive views of Kinnerton Lodge in its historic and current woodland setting. However it is considered that the open fields have a much wider concept than mere visibility due to the fact that there is a strong historical and economic connection

between Kinnerton Lodge and the agricultural lands of the former estate parkland. It is important that the green and open surroundings adjacent to Kinnerton Lodge are retained so that the heritage asset retains its historical significance and presence as an important country house.

- 7.24 It is considered that the proposed development within the former historic parkland will have an adverse impact on the setting of at least two of the Grade II Listed building groups that are adjacent to the application site, comprising of Kinnerton Lodge and Compton Hall. This aspect of the proposal is discussed in the applicant's Heritage Impact Assessment and the conclusion of this document states 'With respect to indirect impacts to the significances of designated heritage assets arising from changes to their settings which would be occasioned by the proposed development it is concluded that the proposals would impact the heritage significance of two listed buildings by means of changes to their settings'. Whilst the adverse effect to two of the Listed Buildings is noted by the applicant it is considered that this is an underestimate as it is considered that the proposed development will also have an adverse impact on the heritage significance of the Listed Kinnerton Lodge Stable block and Curtilage Listed Little Farm.
- 7.25 It is considered that the current undeveloped field is of historical significance to Kinnerton Lodge, Kinnerton Lodge Stables and Compton Hall as former parkland, and this piece of open space should be used a buffer between the listed assets and the village. The importance of separation between the two is recognised by the Planning Inspector appointed by the Welsh Ministers, on the adjacent Kinnerton Meadows site (Appeal Ref: APP/A6835/A/16/3156854)
- 7.26 The appeal report states 'There are two listed buildings visible from the site and Cadw has expressed concern regarding the impact of the proposed development on the setting of Kinnerton Lodge and Compton Hall Farm (both Grade II). Kinnerton Lodge is a regency villa with its main aspect (including a central two-storey bay) providing views over fields towards Higher Kinnerton. The 1914 ordnance survey map for the area suggests that the appeal site was part of the parkland surrounding the house and it is clearly part of its setting. The proposed development would extend no further west than the adjoining housing estate. The field to the south of Kinnerton Lodge would continue to provide a sense of space and separation from Higher Kinnerton'.
- 7.27 It is important that the green open space to the South of Kinnerton Lodge is retained as it is currently to offer a sense of separation from the rest of the village. It is considered that this will preserve the historical setting of Kinnerton Lodge, Kinnerton Lodge Stables and Compton Hall, which are all Grade II Listed buildings. It is also considered that this will also retain the historical setting of the Curtilage Listed Little Farm. The proposal is, therefore, contrary to planning policy HE1 of the Flintshire UDP.

7.28 Archaeological Impact

The submitted heritage statement discusses the possibility that part of the site falls within the boundary of Llwydcoed Royal Park, a 14th-century park established by King Edward III. The statement outlines that there is currently no archaeological evidence to support the identification of the medieval park boundary within the development boundary. The applicant has suggested that the standard archaeological watching brief condition would be sufficient to deal with that matter.

7.29 However, Clwyd Powys Archaeological Trust has considered the proposals impact upon the potential archaeological asset and conclude that the proposed development will disturb any sub-surface remains surviving at the site. It is impossible to estimate how damaging this might be. They recommend that a geophysical survey is undertaken prior to the determination of any application.

7.30 Given the above, it is considered that the application is not supported by sufficient information to show compliance with planning policy HE7 of the Flintshire UDP.

7.31 Quality of Agricultural Land

PPW10 seeks to conserve the BMV agricultural land as a finite resource for the future. Considerable weight should be given to protecting such land from development and land in grades 1, 2, and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable or available lower grade land has an environmental value. TAN6: Planning for Rural Sustainable Communities states that once agricultural land is developed, even for “soft” uses such as golf courses, its return to agriculture as BMV agricultural land is seldom practicable. UDP policy RE1 states that the loss of land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable or available lower grade land has an environmental value

7.32 The application is supported by an agricultural land classification report survey (Report Ref: 1738/1 by Land Research Associates, dated 13th October 2020) which classified the land as Subgrade 3b (non-BMV land). The report has been subject to consultation with the Department for Environment, Energy & Rural Affairs who have confirmed that the survey has been conducted in accordance with the ‘Revised Guidelines and Criteria for Assessing the Quality of Agricultural Land (MAFF 1988)’ and therefore can be accepted as an accurate reflection of the land quality on the site

7.33 As it has been confirmed that the site in question is not BMV agricultural land, the Department for Environment, Energy & Rural Affairs, therefore, does not object to the proposal.

Affordable Housing

7.34

The provision of affordable housing is a material planning consideration that attracts significant weight in the overall planning balance. The proposal provides 30% affordable housing units across the development in the form of 28 affordable dwellings. A revised mix of 3no. 2bed bungalow, 10no. 2-bed houses 14no. 3-bed houses and 1no. 4-bed house has been agreed with the housing officer and can be provided within the existing layout. The mix accords with the identified local housing need as shown in the Local Housing Market Assessment for Flintshire, and on this basis, the proposal is supported by Flintshire County Council Housing Options.

7.35

Should planning permission be granted for the development, a Section 106 agreement would be required to ensure that these units are retained as affordable in their lifetime and that their specific terms of tenure meet the requirements of the local need.

7.36

Whilst this affordable housing provision is a significant positive in support of the development, I do not consider it outweighs the considerable harm the scheme would cause the setting of the Listed Buildings and unplanned nature of unallocated development outside an existing settlement boundary.

Highways

7.37

Access to the site would be directly off Kinnerton Lane, with internal estate roads servicing the proposed dwellings. Higher Kinnerton is not one of the communities that were specifically identified by Welsh Government for Active Travel considerations; however, recent and potential developments has identified the lack of compliant Active Travel linkages both within the community and to neighbouring communities.

7.38

Streetscene are currently progressing improvements along the identified Active Travel route between Penyffordd and Broughton. To link to this identified route there have been suggestions that the proposed Elan Homes development should fund/provide a footway/cycleway connection within the Kinnerton Lane verge as far as the A5104. Although this would provide the required Active Travel link from the site, it is considered that this is not the optimum route to best serve the future residents of the development.

7.39

Land was allocated within the UDP for a mixed commercial/residential development on land at the nearby Warren Bank site; this site is also promoted for inclusion within the LDP. The LDP submission provides an indicative layout, including the provision of internal footway/cycleway facilities. It is envisaged that when provided, these routes should be adopted as public highway, and their use would be available to residents of the Elan Homes development and provide accessible routes towards Broughton.

7.40

Given the above, the highways officer recommends that provision of an off-site footway/cycleway connection between the site and a suitable connection

7.41 point on the Warren Hall Development site be provided. This could be within the verge of either Kinnerton Lane or Lesters Lane both routes being approximately 400m in length. The route could be constructed through a Section 278 highway agreement but in order to avoid provision of an isolated, partial section of a route, funding through a Section 106 planning agreement would be preferred. The applicant has agreed to fund the works; a Section 106 agreement to the value of £80,000 will be required to cover anticipated costs.

7.42 Public footpath no. 7 runs to the east of the site, however, is unaffected by the proposed development. A link from the proposed site onto the footpath is proposed.

7.43 CIL Compliance
Members will be aware that where it is recommended that planning permission be granted, I would set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 Agreement. However, in view of the recommendation that permission be refused, I have in this case refrained from so doing at this stage

7.44 Other Matters
Third parties have commented that other developments have been built elsewhere and that houses on those site remain unused. This may be the case but there is no requirement in planning or other legislation to require all other new or existing homes to be occupied before new homes are permitted.

Concerns were also raised that the loss of the land would adversely impact on wildlife however the site has no designated habitat status and there is no evidence submitted to demonstrate there are protected species present at the site and therefore this matter would be attributed very minor weight in the overall planning balance.

8.00 CONCLUSION

8.01 A central premise of the Planning Acts is that the basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations dictate otherwise. It is also clearly recognised that in considering applications, each case must be considered on its merits. Both of these principles have been appropriately considered in assessing this application, including the sustainability of the proposal. There is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Kinnerton, and it would be premature to approve this application in advance of the LDP process, as to do so would individually and in combination with existing commitments, be so significant as to predetermine decisions about the scale, location or phasing of new development which ought to be properly taken in an LDP context.

8.02

In addition, the site is an important green open space within the setting of Kinnerton Lodge and currently to offer a sense of separation from the rest of the village. It is considered that its retention will preserve the historical setting of Kinnerton Lodge along with Kinnerton Lodge Stables and Compton Hall, which are all Grade II Listed buildings. The site also falls partly within Llwydcoed Royal Park, a 14th-century medieval park and whilst the exact boundary of the park is unknown, it is considered that there is insufficient information submitted with the application to fully assess the potential impact upon this archaeological asset.

8.03

Given the above summary of the main issues and having carefully assessed those in the planning balance, I recommend refusal accordingly.

8.04 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

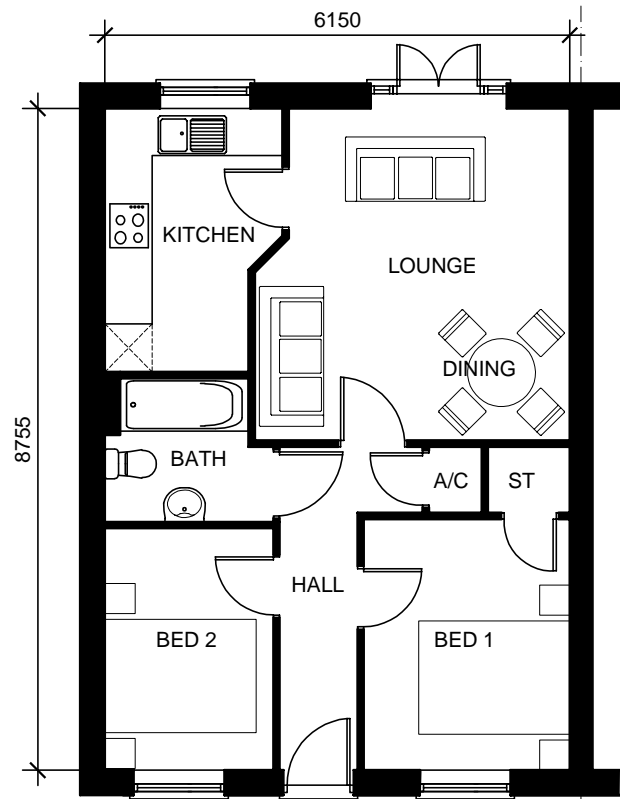
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Mr D McVey

Telephone: 01352 703266

Email: Daniel.McVey@Flintshire.gov.uk

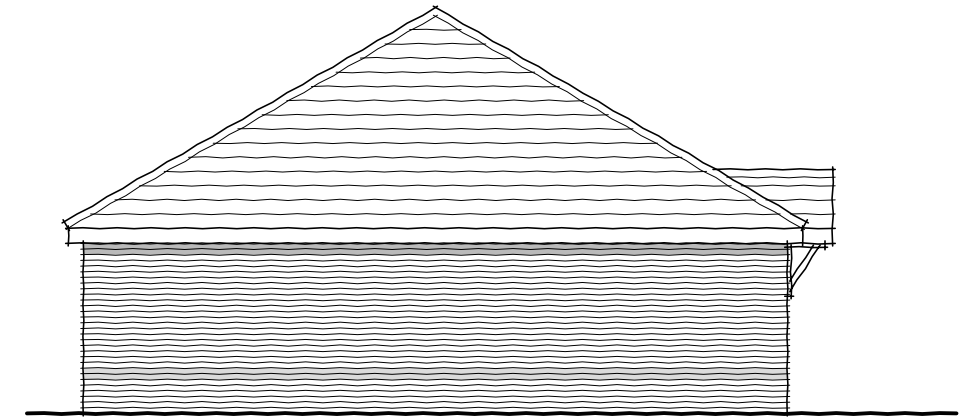
Tudalen 55



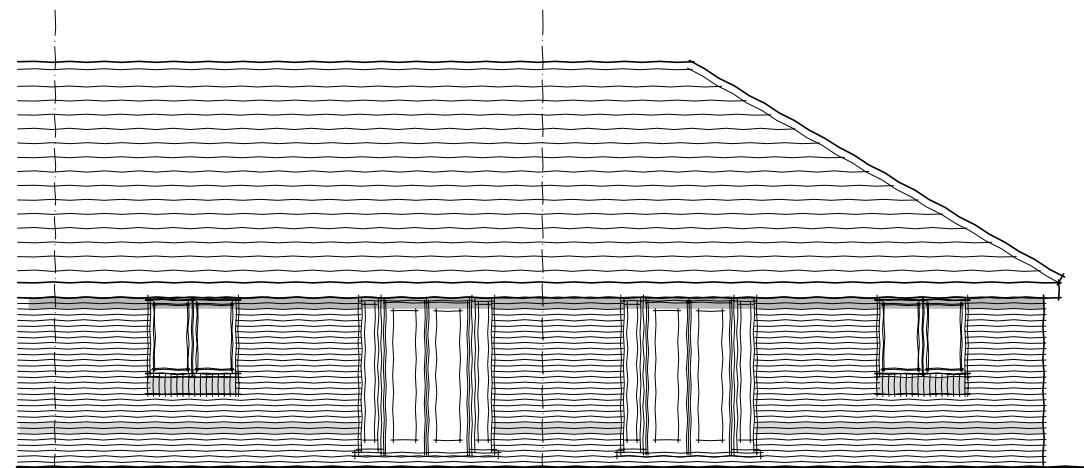
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



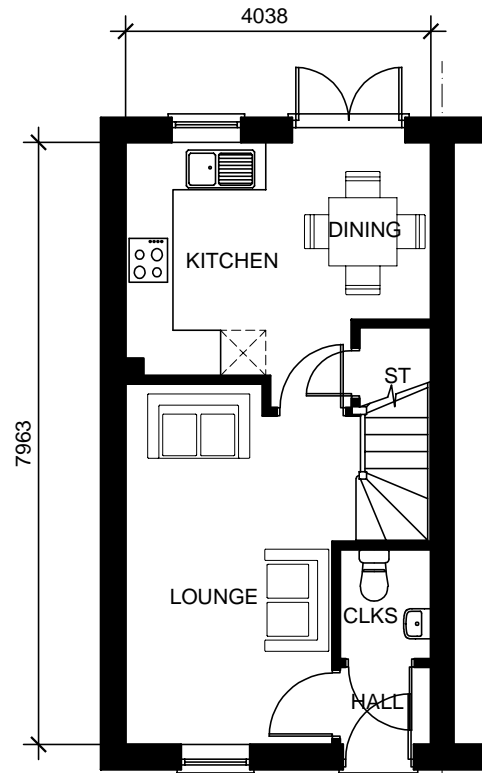
REAR ELEVATION

HIGHER KINNERTON PHASE 2 - BARONIAL SPEC

WINDERMERE - G-SERIES

A PLANNING ISSUE		
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Title Planning Drawing	Floor Area 580 sqft	Scale 1:100
Elan Homes Limited.		

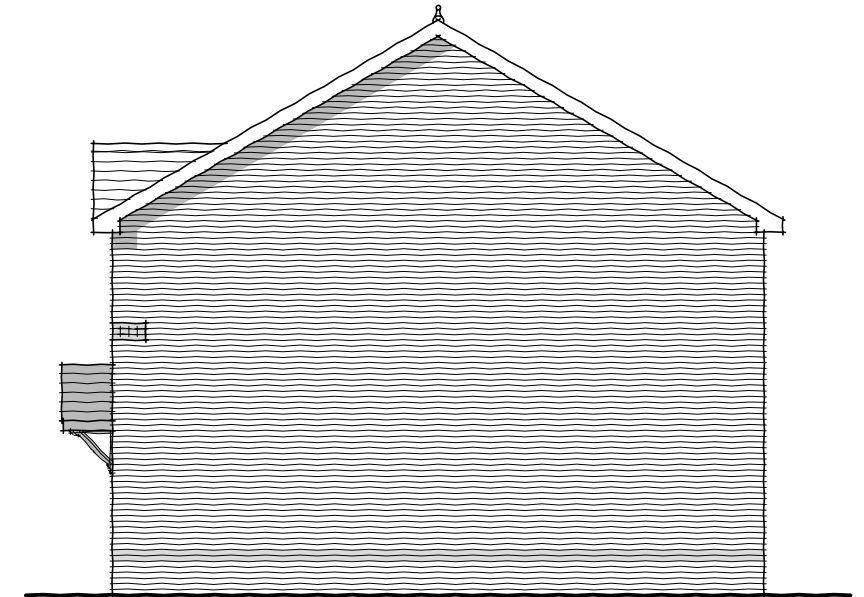
NOTE: REFER TO SITE LAYOUT FOR PEDIMENT IF APPLICABLE.



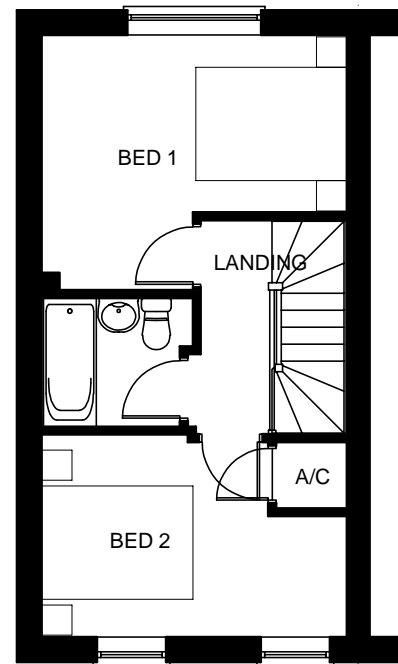
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



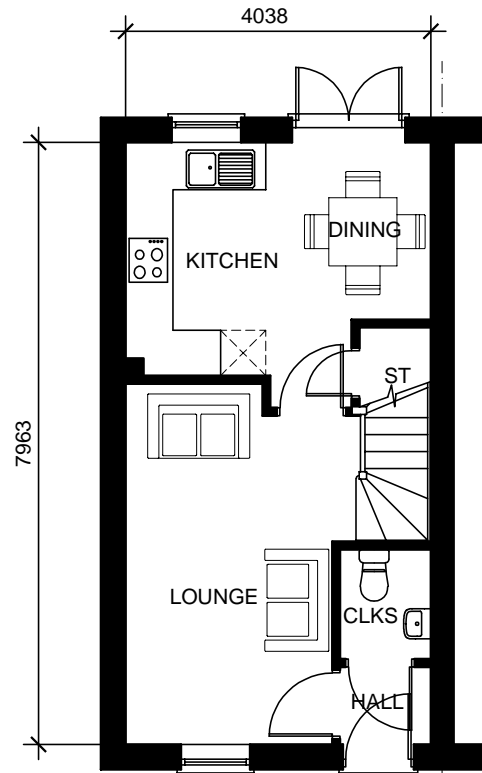
REAR ELEVATION

Tudalen 56

HIGHER KINNERTON PHASE 2 - BARONIAL SPEC
BEESTON - G SERIES - TYPE 1

A PLANNING ISSUE		
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Title Planning Drawing	Floor Area 692 sqft	Scale 1:100
Elan Homes Limited.		

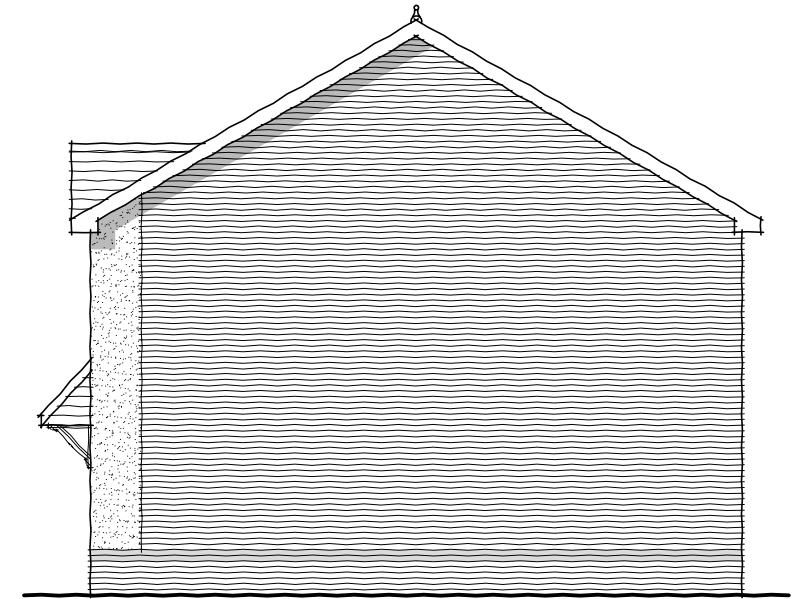
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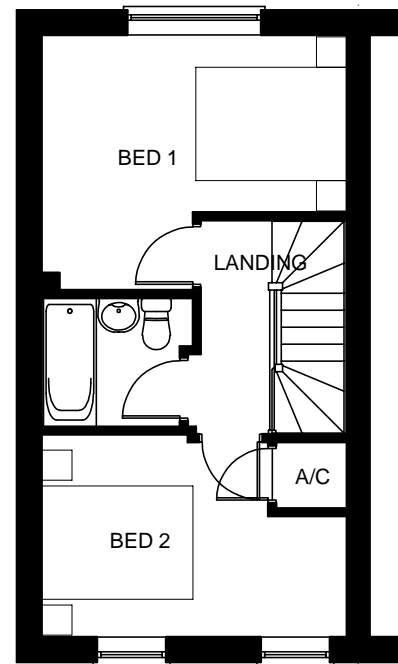
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



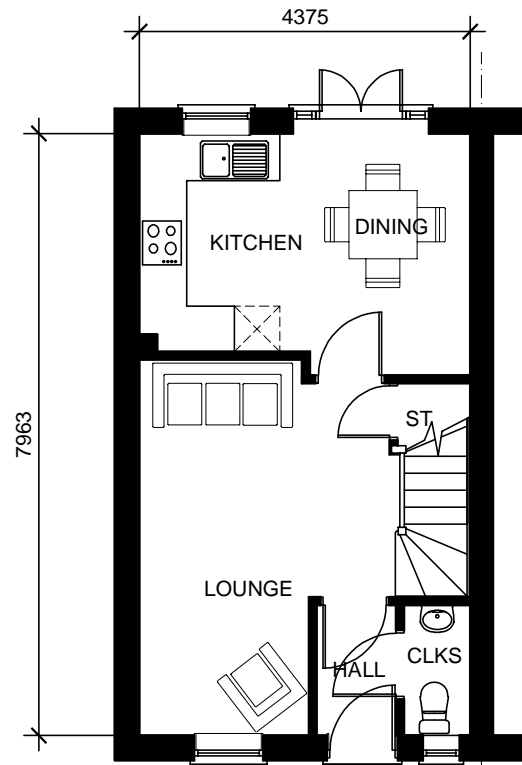
REAR ELEVATION

Tudalen 57

HIGHER KINNERTON PHASE 2 - BARONIAL SPEC
BEESTON - G SERIES - TYPE 2

A PLANNING ISSUE		
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Title Planning Drawing	Floor Area 692 sqft	Scale 1:100
Elan Homes Limited.		

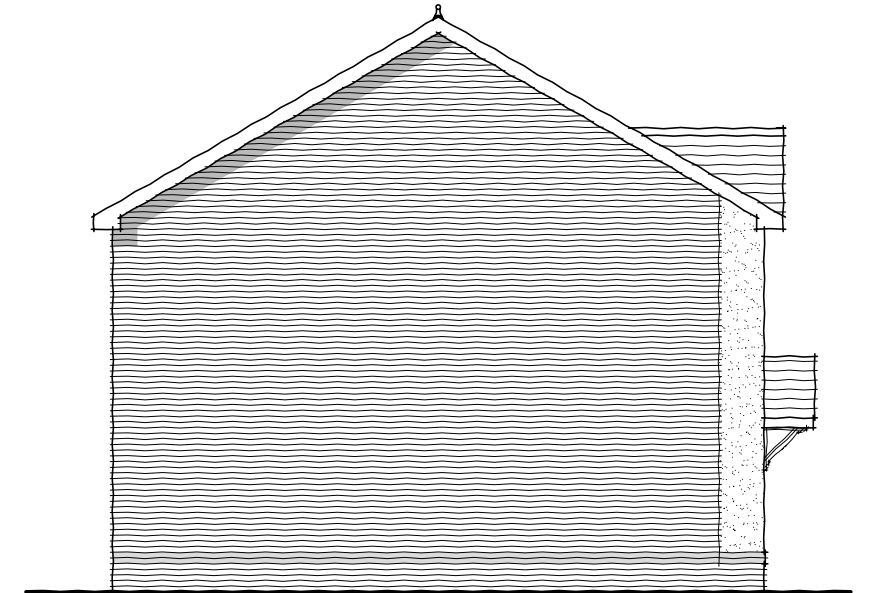
NOTE: REFER TO SITE LAYOUT FOR PEDIMENT IF APPLICABLE.



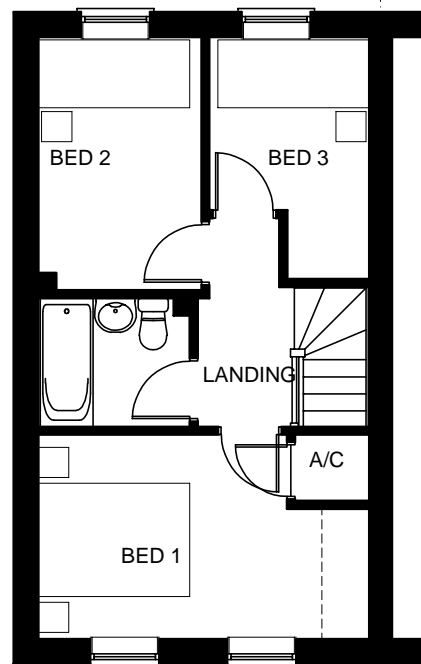
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



REAR ELEVATION

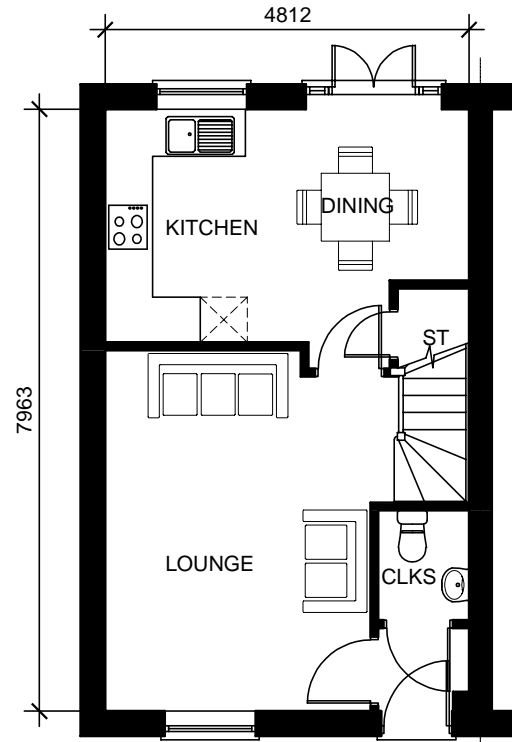
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HIGHER KINNERTON PHASE 2 - BARONIAL SPEC

HOWDEN - G SERIES

A PLANNING ISSUE		
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Title Planning Drawing	Floor Area 750 sqft	Scale 1:100
Elan Homes Limited.		

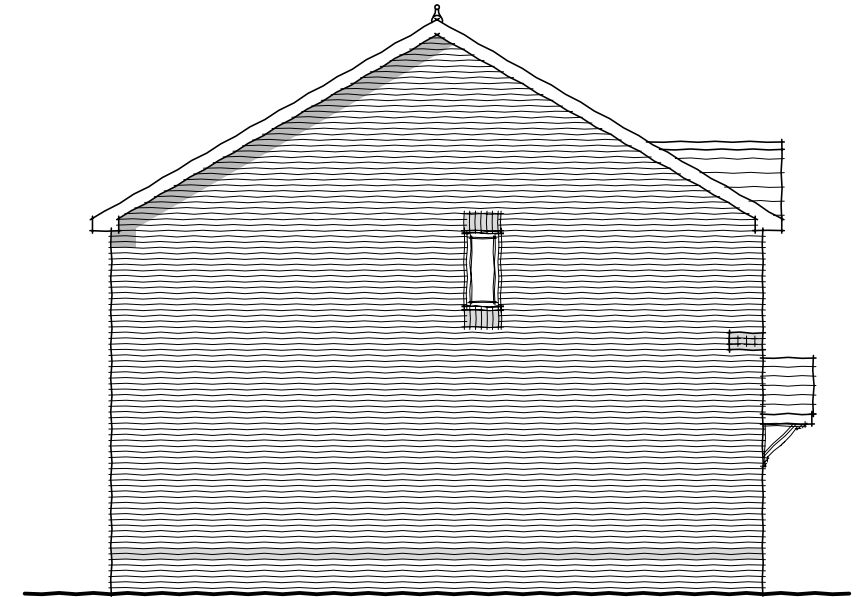
NOTE: REFER TO SITE LAYOUT FOR PEDIMENT IF APPLICABLE.



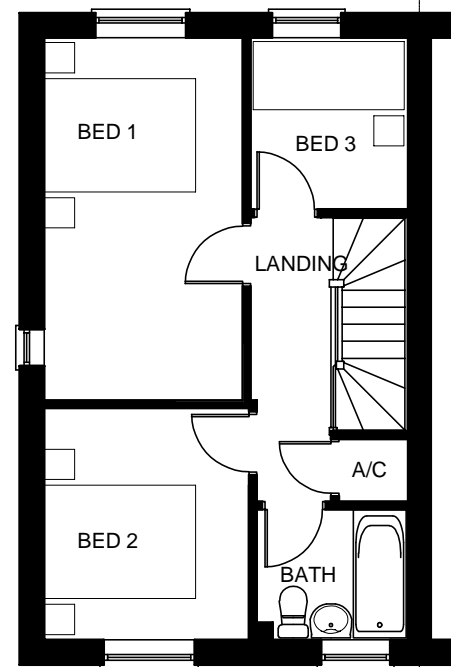
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



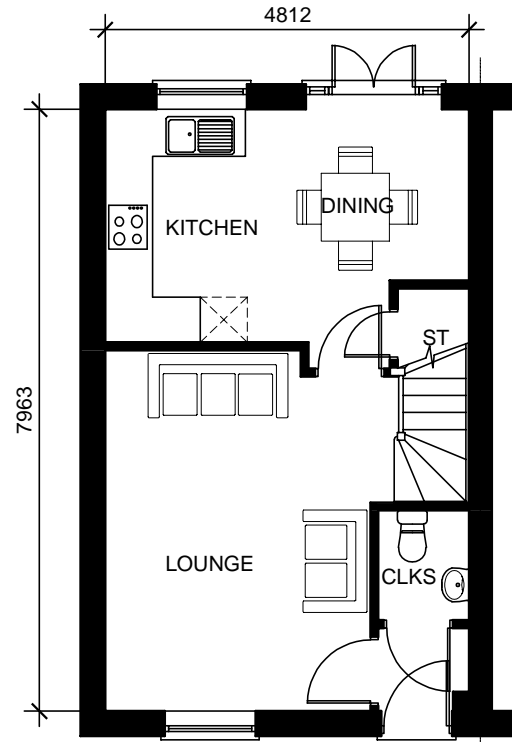
REAR ELEVATION

Tudalen 59

HIGHER KINNERTON PHASE 2 - BARONIAL SPEC
MALHAM - G SERIES - TYPE 1

A PLANNING ISSUE		
House Type Malham Type 1	Drawing no. HK2-G-P/MAL-01	Rev A
Title Planning Drawing	Floor Area 825 sqft	Scale 1:100
Elan Homes Limited.		

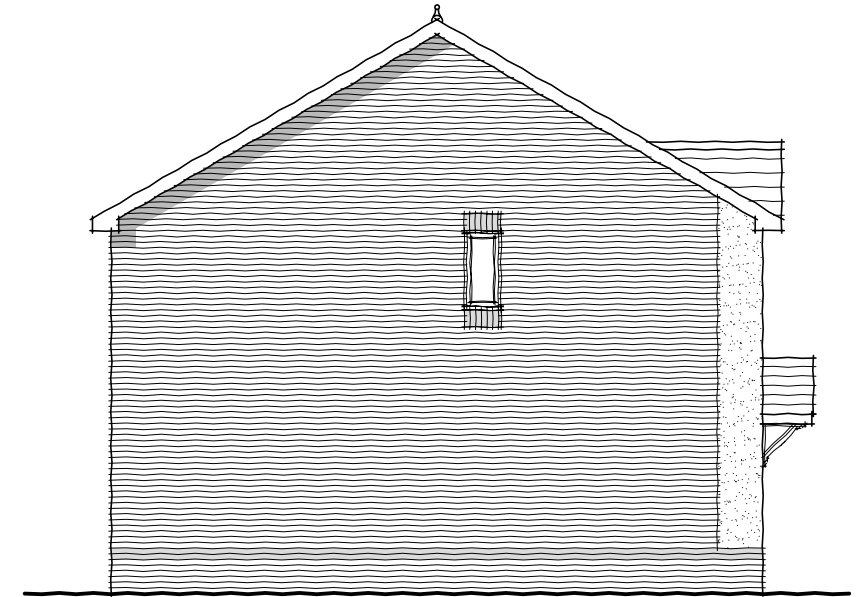
NOTE: REFER TO SITE LAYOUT FOR PEDIMENT IF APPLICABLE.



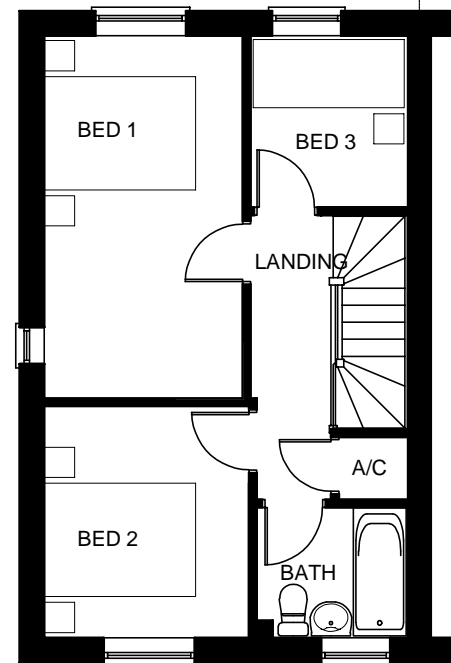
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN

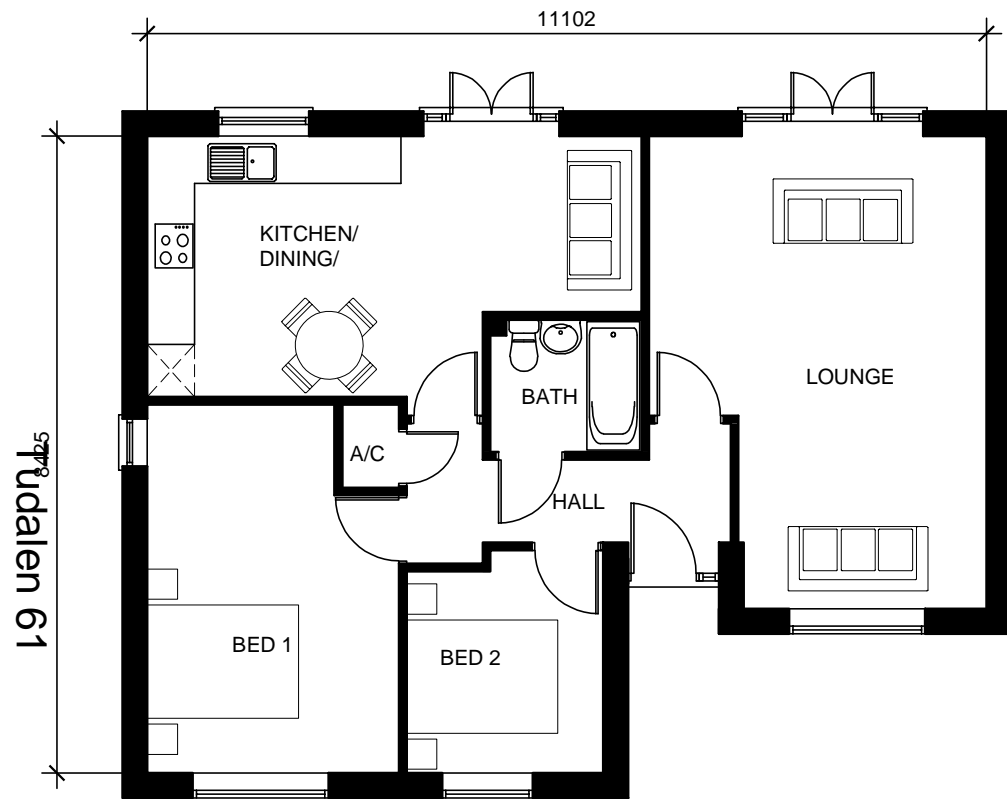


REAR ELEVATION

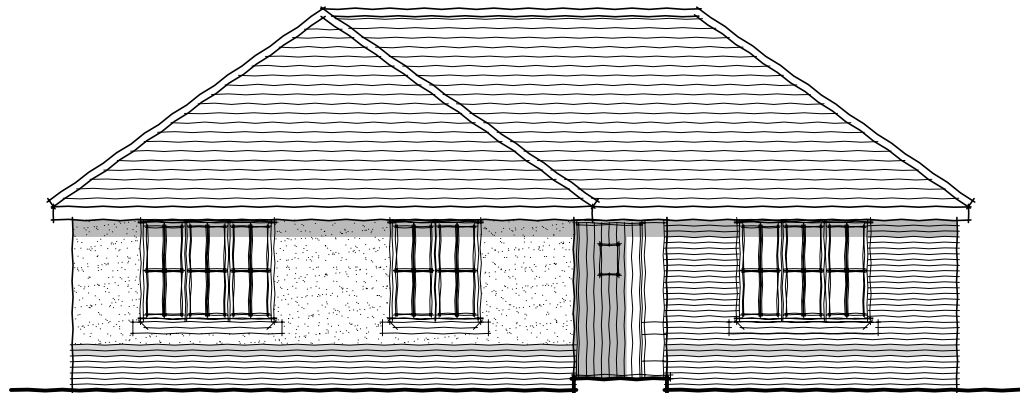
Tudalen 60

HIGHER KINNERTON PHASE 2 - BARONIAL SPEC
MALHAM - G SERIES - TYPE 2

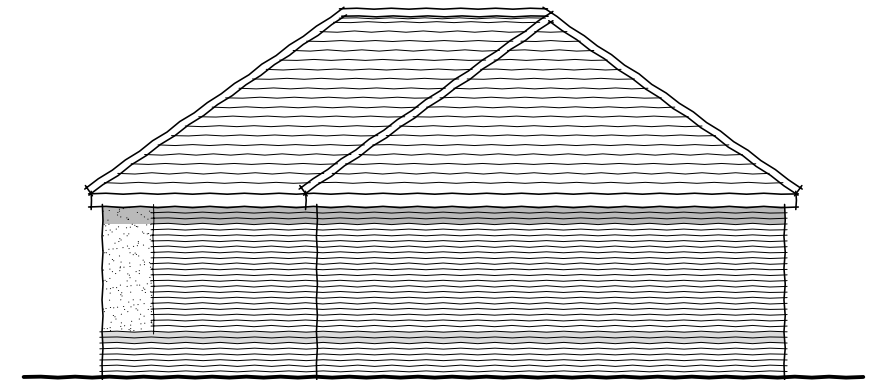
A PLANNING ISSUE		
House Type Malham Type 2	Drawing no. HK2-G-P/MAL-02	Rev A
Title Planning Drawing	Floor Area 825 sqft	Scale 1:100
Elan Homes Limited.		



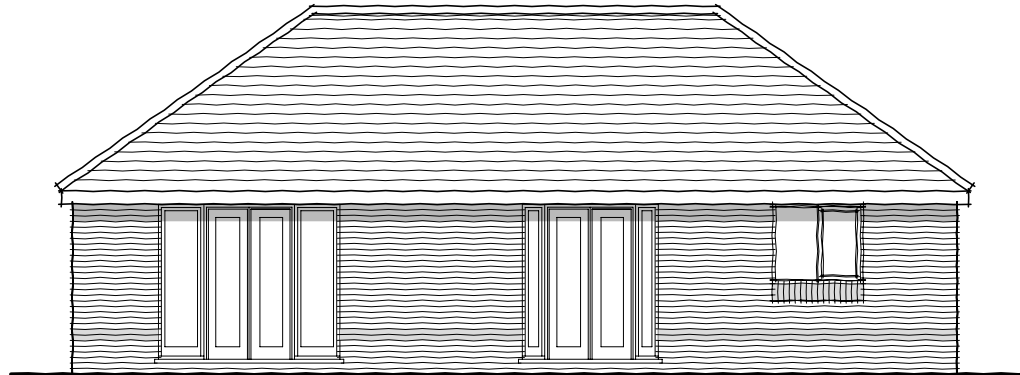
GROUND FLOOR PLAN



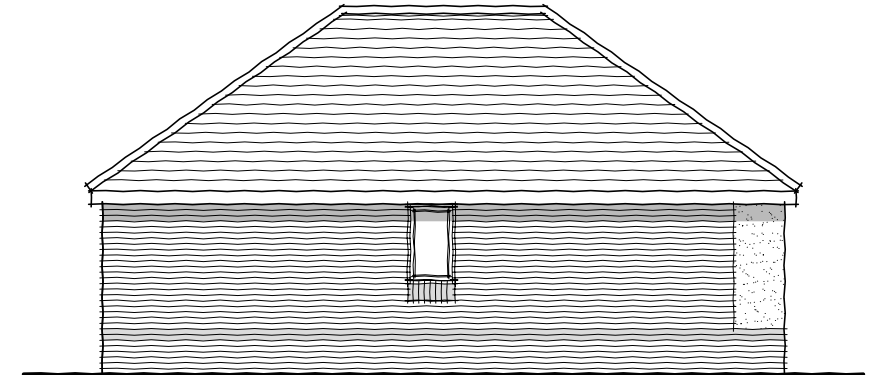
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



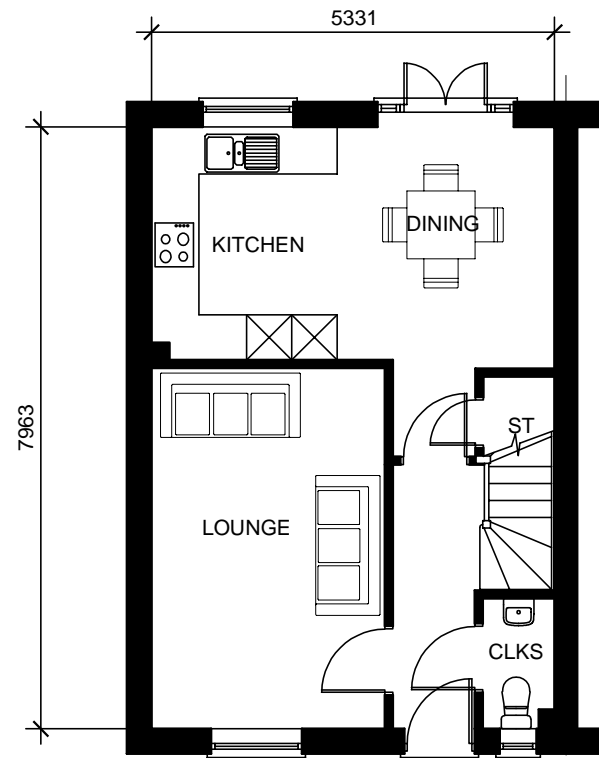
SIDE ELEVATION

HIGHER KINNERTON PHASE 2 - BARONIAL SPEC

FEARN SPECIAL - G SERIES

House Type	A PLANNING ISSUE	
Fearn Special	Drawing no. HK2-G-P/FEA-01	Rev A
Title	Floor Area 870 sqft	Scale 1:100
Elan Homes Limited		

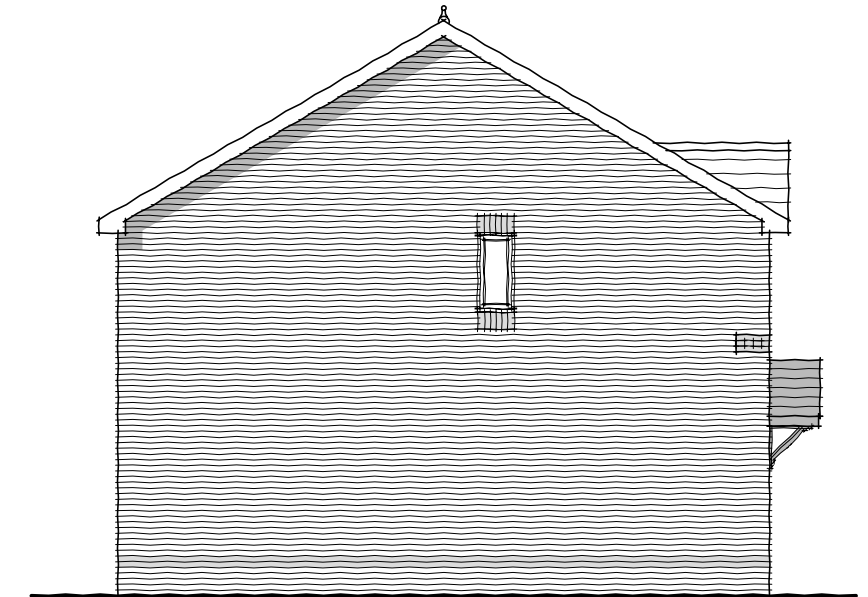
NOTE: REFER TO SITE LAYOUT FOR PEDIMENT IF APPLICABLE.



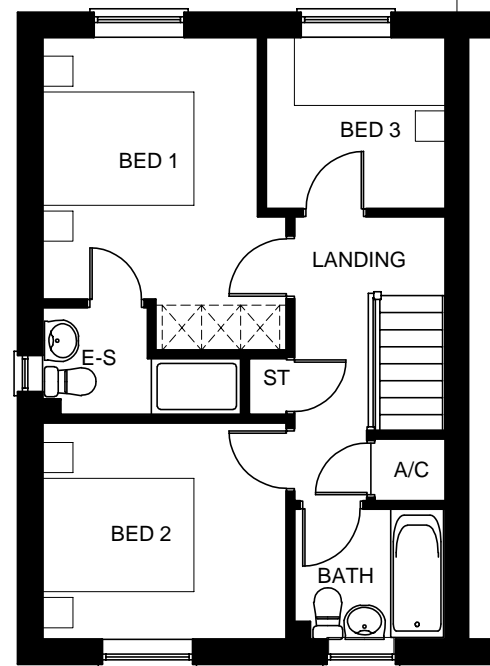
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



REAR ELEVATION

Tudalen 62

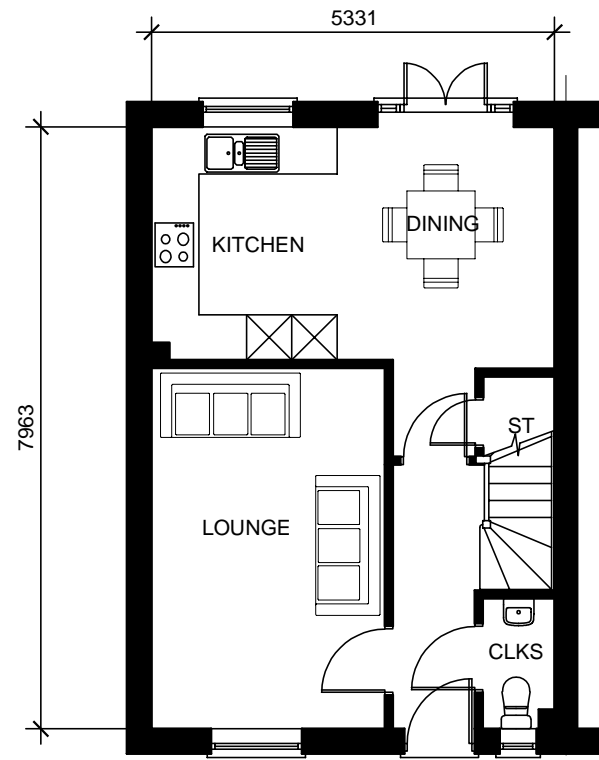
HIGHER KINNERTON PHASE 2 - REGENCY SPEC

RIPLEY - G SERIES - TYPE 1

B REAR ELEVATION CORRECTED. 15.7.20
A PLANNING ISSUE

House Type Ripley Type 1	Drawing no. HK2-G-P/RIP-01	Rev B
Title Planning Drawing	Floor Area 913 sqft	Scale 1:100
Elan Homes Limited.		

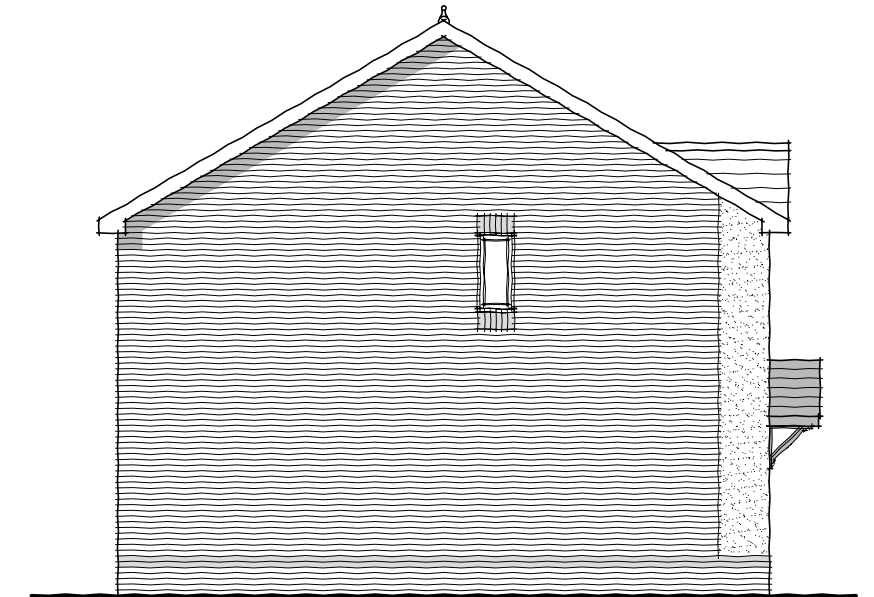
NOTE: REFER TO SITE LAYOUT FOR PEDIMENT IF APPLICABLE.



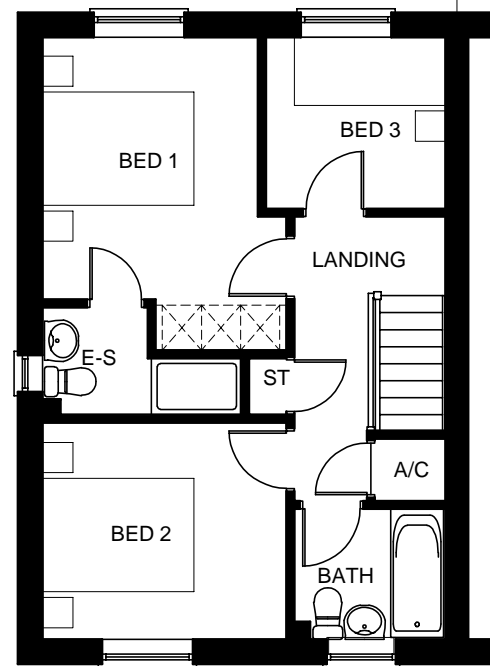
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



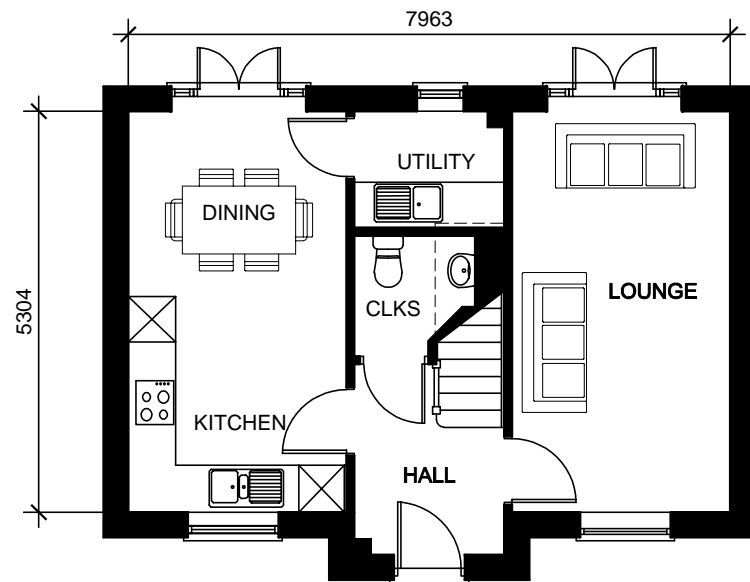
REAR ELEVATION

Tudalen 63

HIGHER KINNERTON PHASE 2 - REGENCY SPEC
RIPLEY - G SERIES - TYPE 2

B REAR ELEVATION CORRECTED. 15.7.20
A PLANNING ISSUE

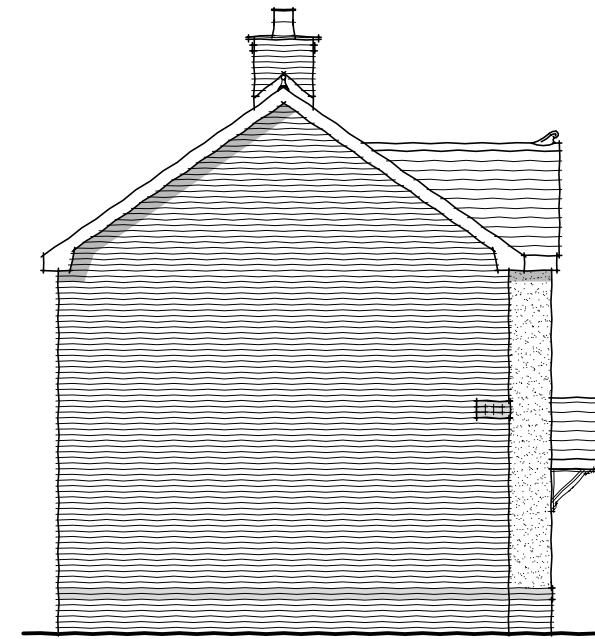
House Type Ripley Type 2	Drawing no. HK2-G-P/RIP-02	Rev B
Title Planning Drawing	Floor Area 913 sqft	Scale 1:100
Elan Homes Limited.		



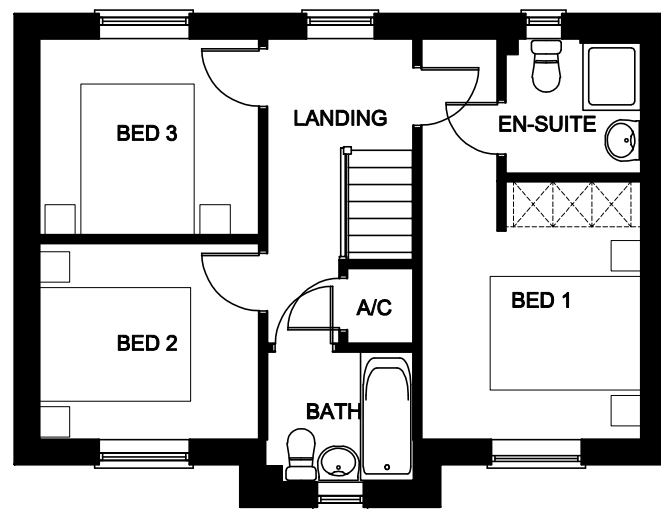
GROUND FLOOR PLAN



FRONT ELEVATION



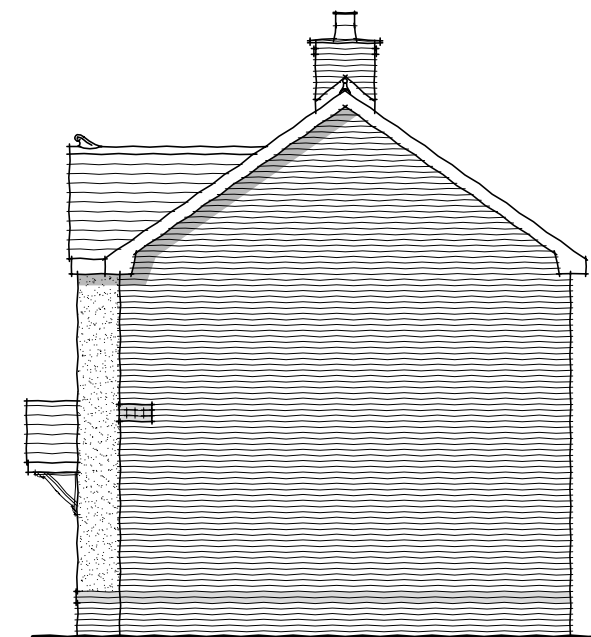
SIDE ELEVATION



FIRST FLOOR PLAN



REAR ELEVATION

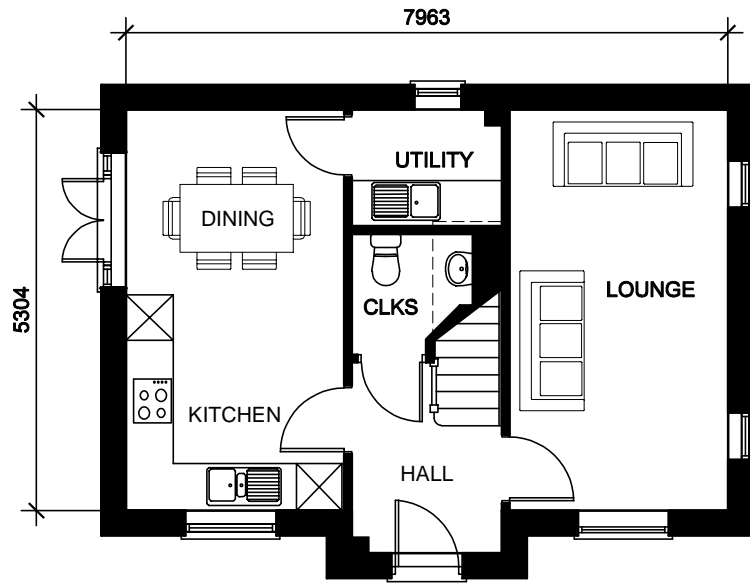


SIDE ELEVATION

Tudalen 64

HIGHER KINNERTON PHASE 2 - REGENCY SPEC
AVIEMORE - G SERIES

A PLANNING ISSUE		
House Type Aviemore	Drawing no. HK2-G-P/AVI-01	Rev A
Title Planning Drawing	Floor Area 933 sqft	Scale 1:100
Elan Homes Limited.		



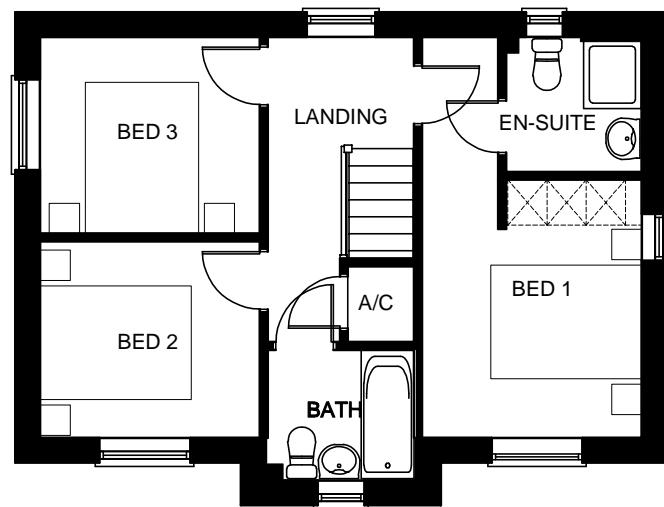
GROUND FLOOR PLAN



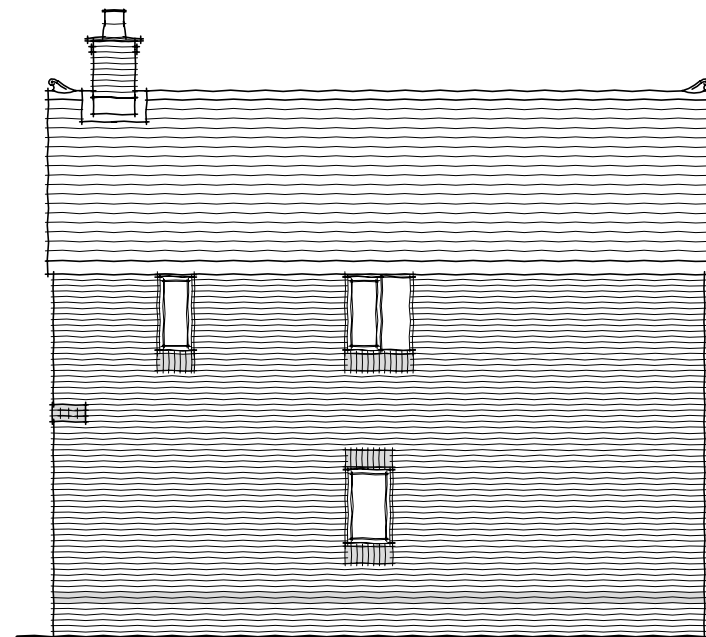
FRONT ELEVATION



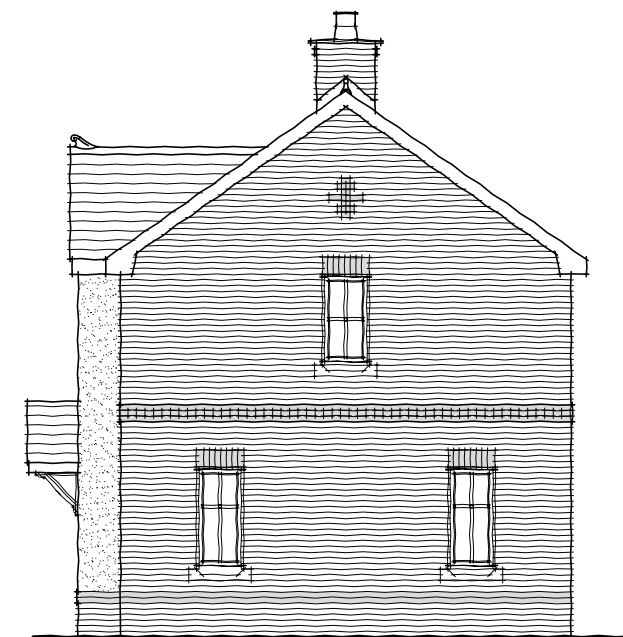
SIDE ELEVATION



FIRST FLOOR PLAN



REAR ELEVATION



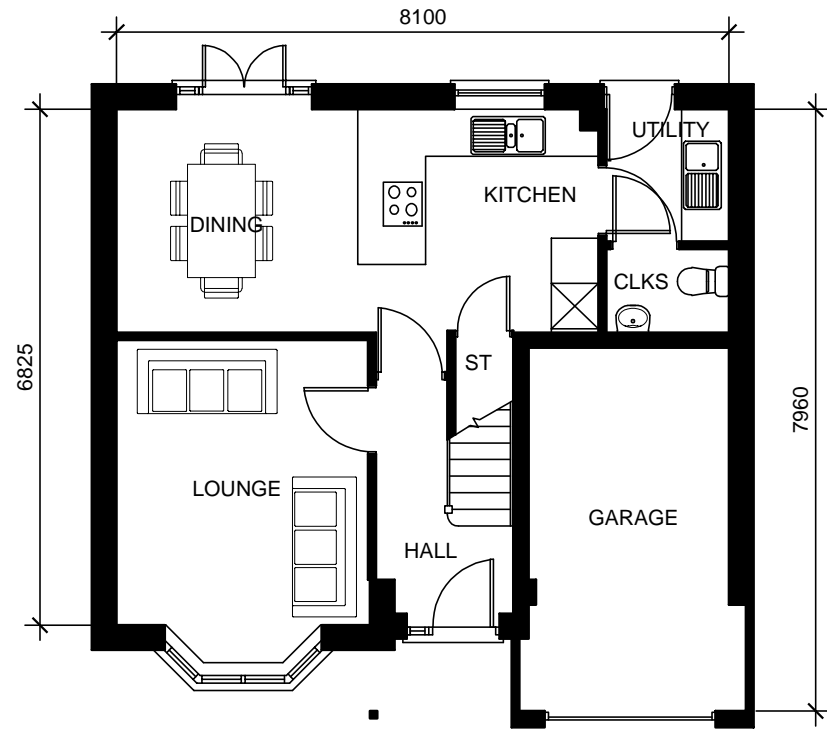
SIDE ELEVATION

Tudalen 65

**HIGHER KINNERTON PHASE 2 - REGENCY SPEC
FAIRFORD - G SERIES**

A PLANNING ISSUE		
House Type Fairford	Drawing no. HK2-G-P/FAI-01	Rev A
Title Planning Drawing	Floor Area 933 sqft	Scale 1:100
Elan Homes Limited.		

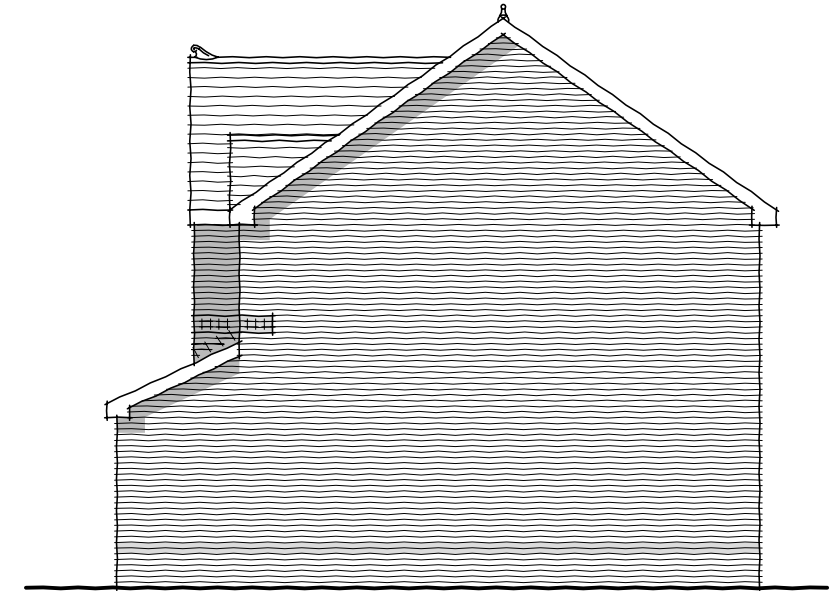
Tudalen 66



GROUND FLOOR PLAN



FRONT ELEVATION



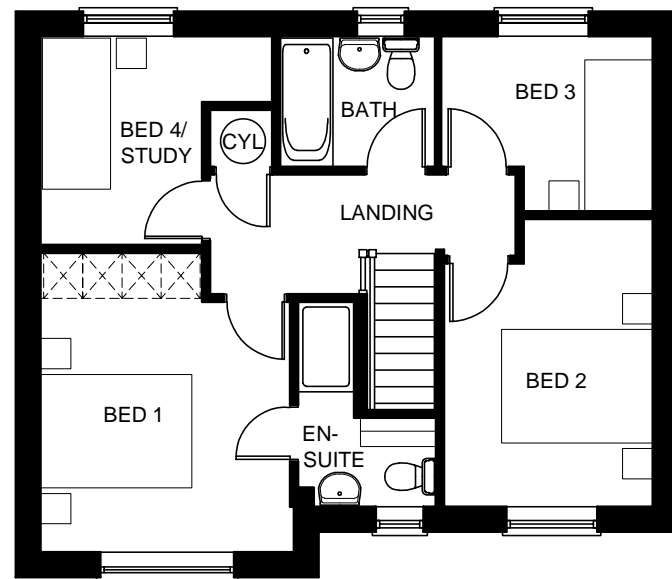
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

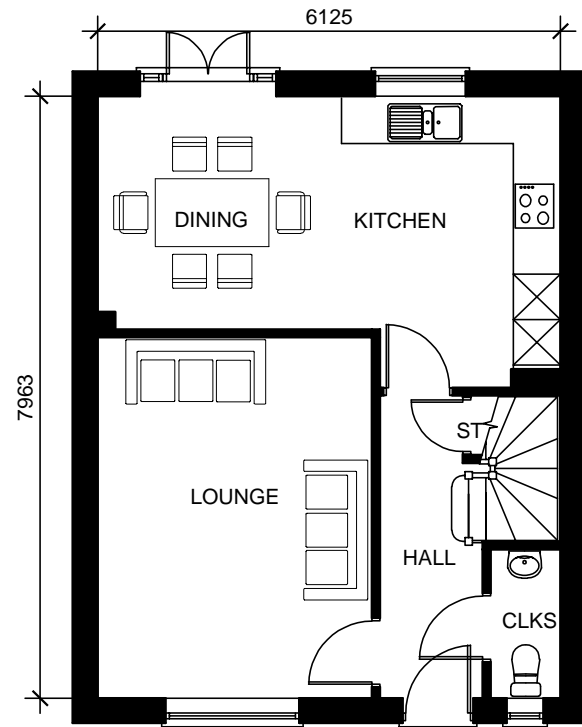


FIRST FLOOR PLAN

HIGHER KINNERTON PHASE 2 - REGENCY SPEC

BRAMLEY - G-SERIES

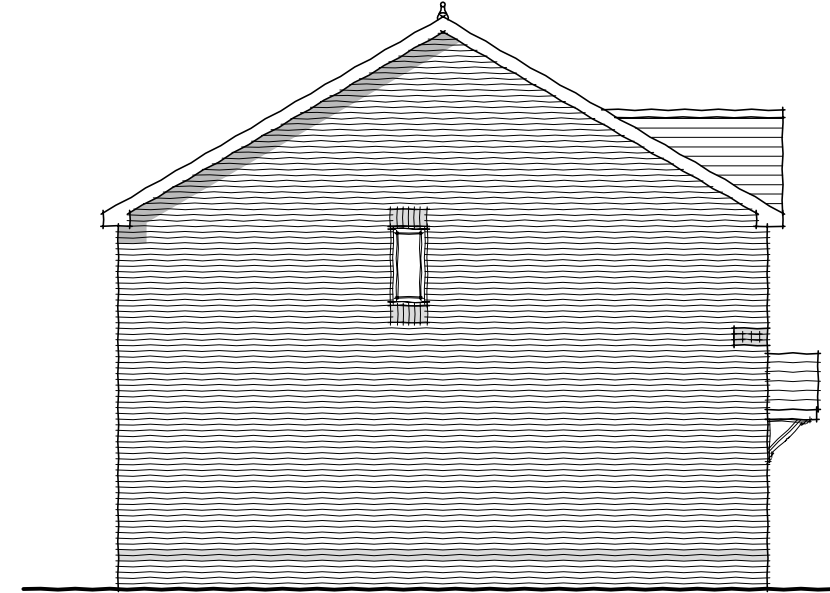
A PLANNING ISSUE		
House Type Bramley	Drawing no. HK2-G/P-BRA-01	Rev A
Title Planning Drawing	Floor Area 1042 sqft	Scale 1:100
<small>Elan Homes Limited.</small>		



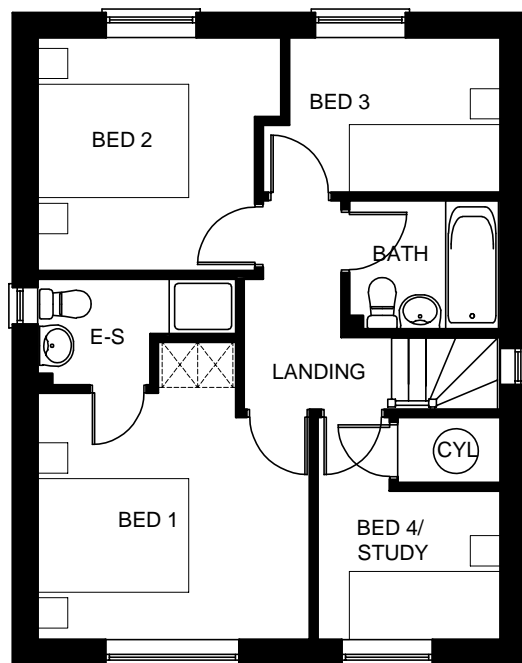
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



REAR ELEVATION

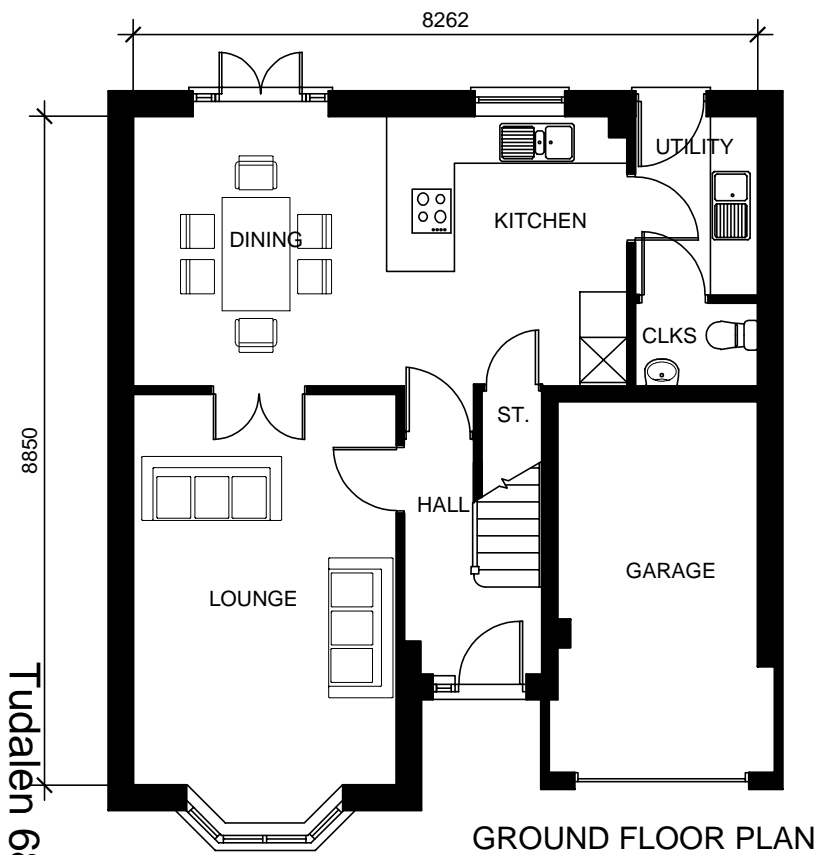


SIDE ELEVATION

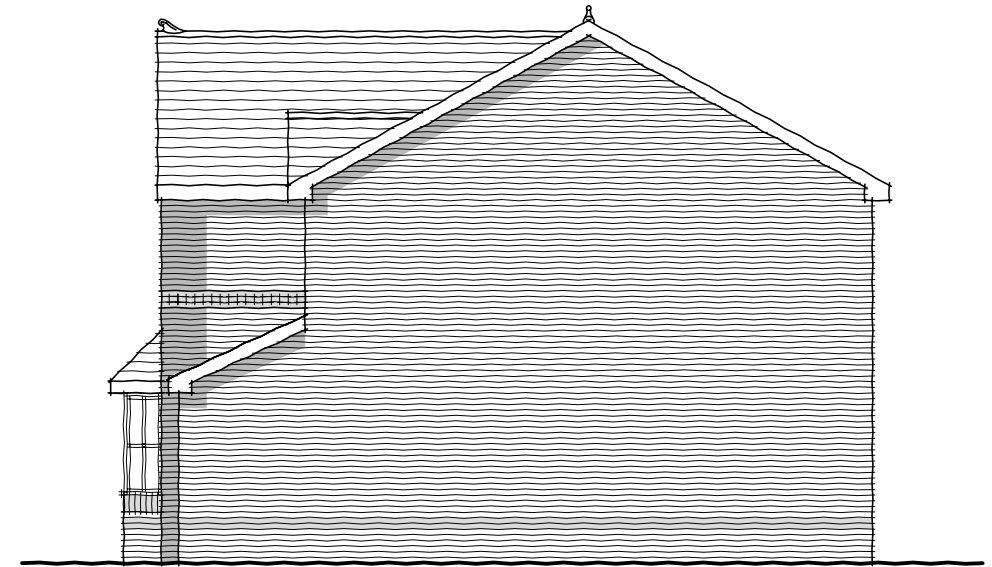
Tudalen 67

**HIGHER KINNERTON PHASE 2 - REGENCY SPEC
HARBOROUGH - G SERIES**

A PLANNING ISSUE		
House Type Harborough	Drawing no. HK2-G-P/HAR-01	Rev A
Title Planning Drawing	Floor Area 1050 sqft	Scale 1:100
Elan Homes Limited.		



FRONT ELEVATION



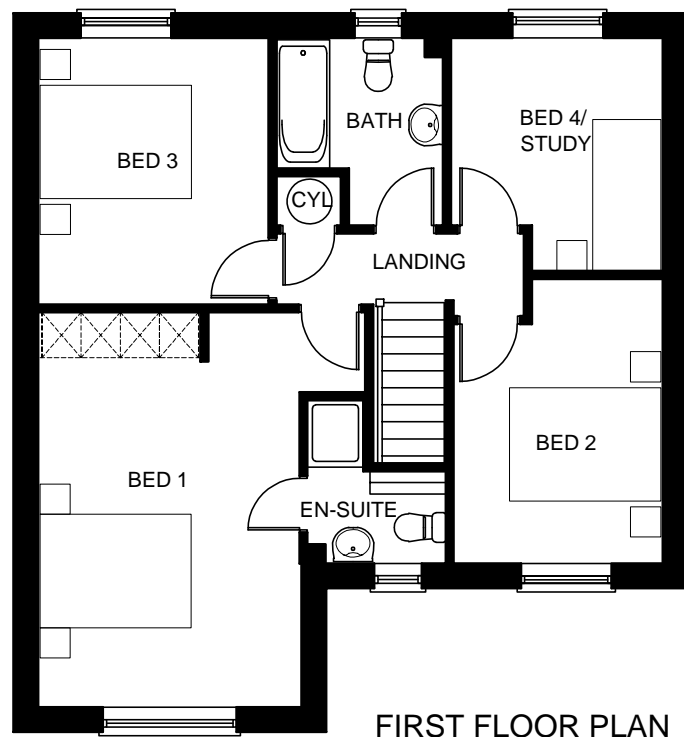
SIDE ELEVATION



REAR ELEVATION

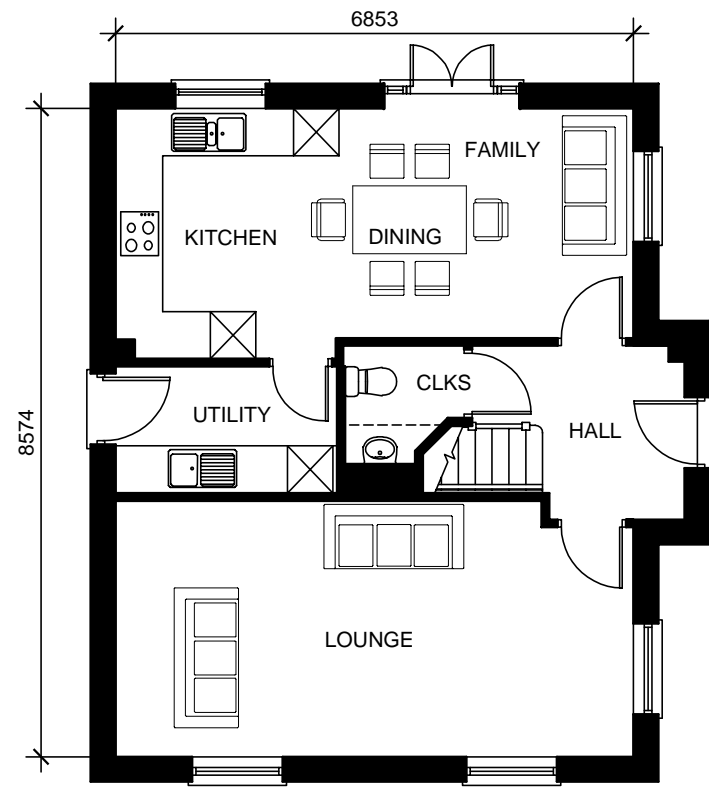


SIDE ELEVATION



HIGHER KINNERTON PHASE 2 - REGENCY SPEC BRAMPTON - G SERIES

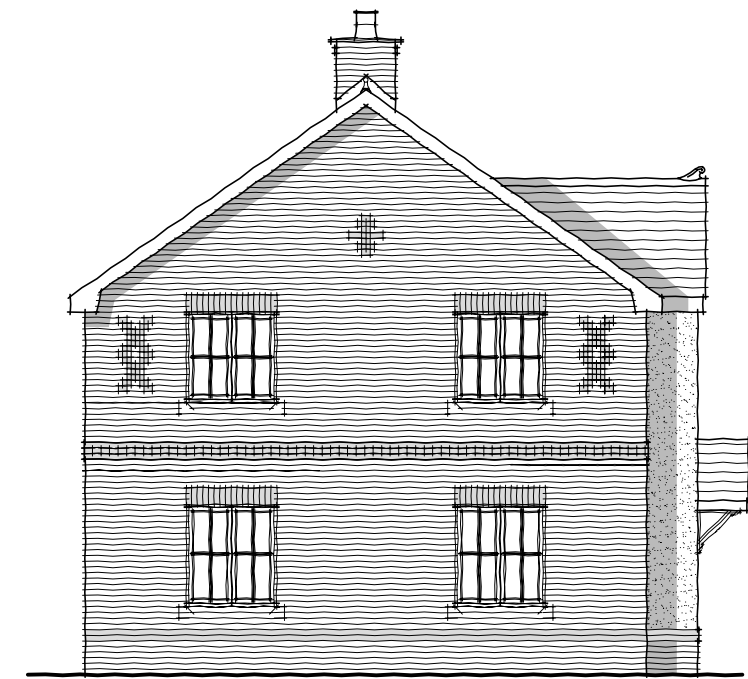
A PLANNING ISSUE		
House Type Brampton	Drawing no. HK2-G-P/BRP-01	Rev A
Title Planning Drawing	Floor Area 1292 sqft	Scale 1:100
Elan Homes Limited.		



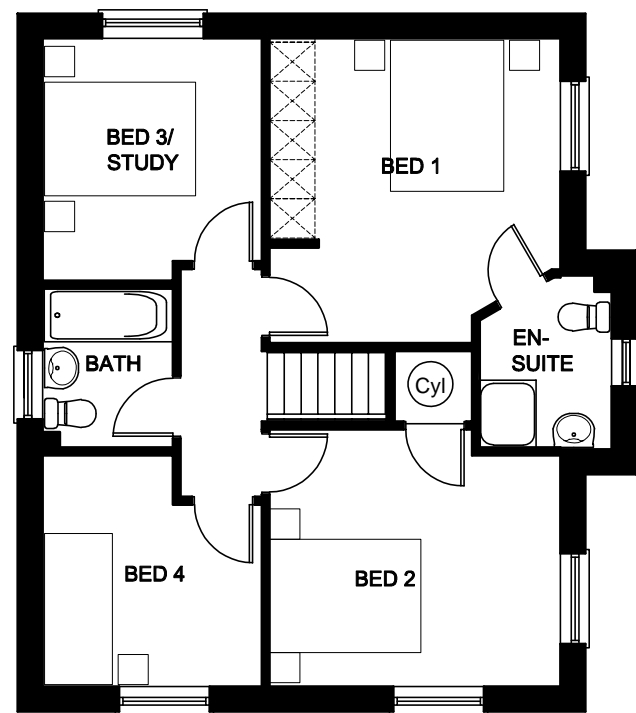
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION (DUAL ASPECT)



FIRST FLOOR PLAN



REAR ELEVATION



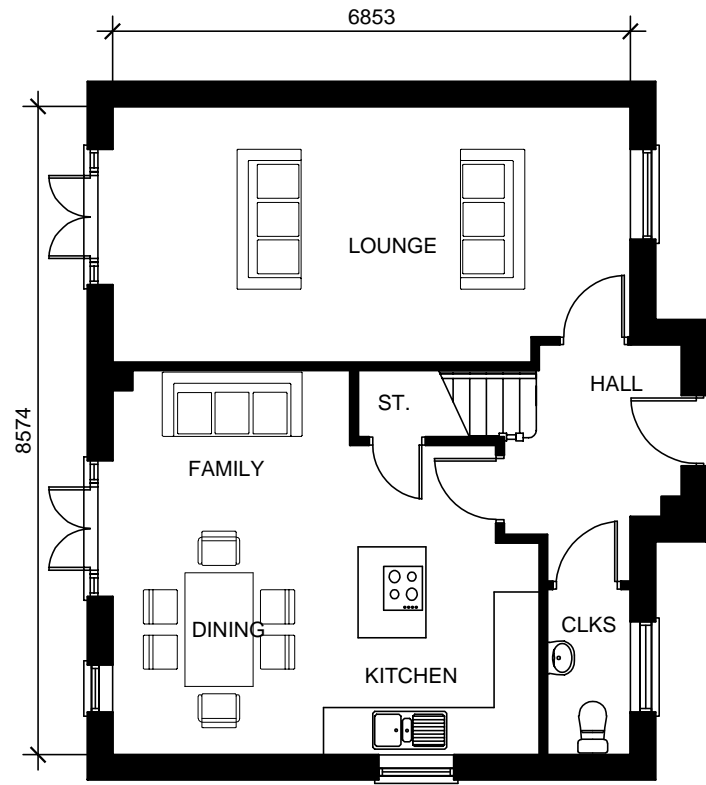
SIDE ELEVATION

Tudalen 69

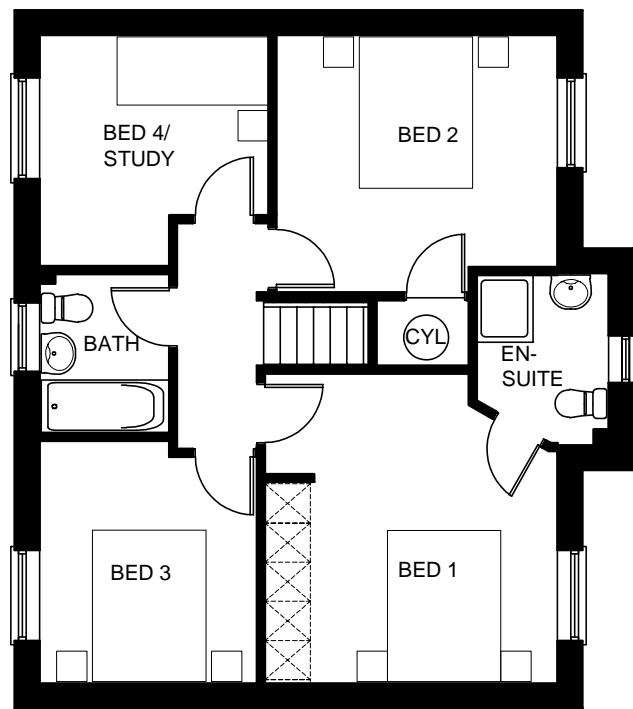
HIGHER KINNERTON PHASE 2 - REGENCY SPEC
BRANDON - G SERIES

A PLANNING ISSUE		
House Type Brandon	Drawing no. HK2-G-P/BRN-01	Rev A
Title Planning Drawing	Floor Area 1298 sqft	Scale 1:100
Elan Homes Limited.		

Tudalen 70



GROUND FLOOR PLAN



FIRST FLOOR PLAN



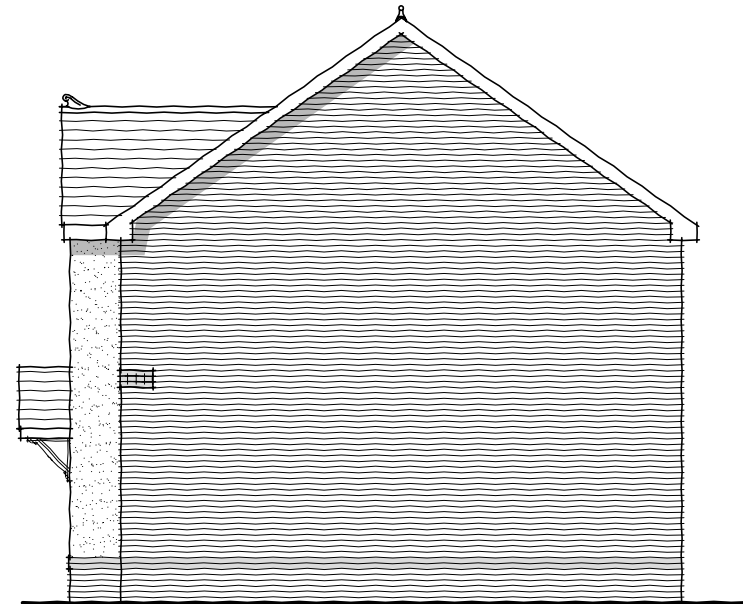
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

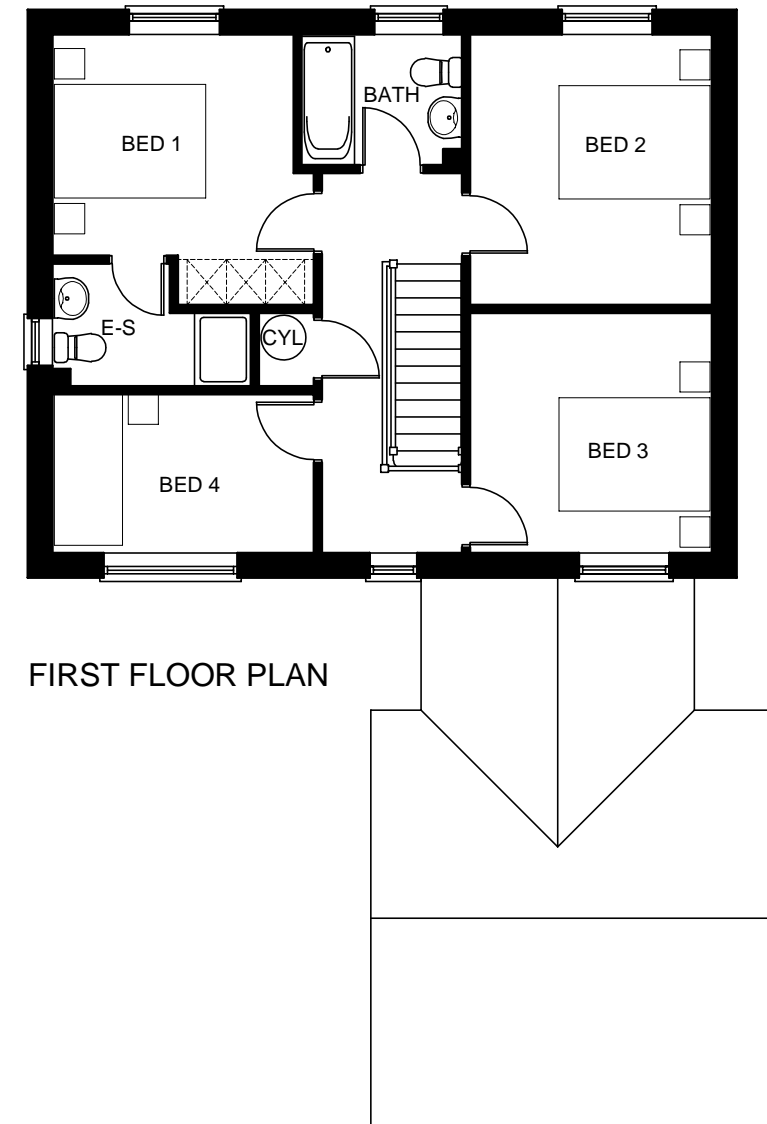
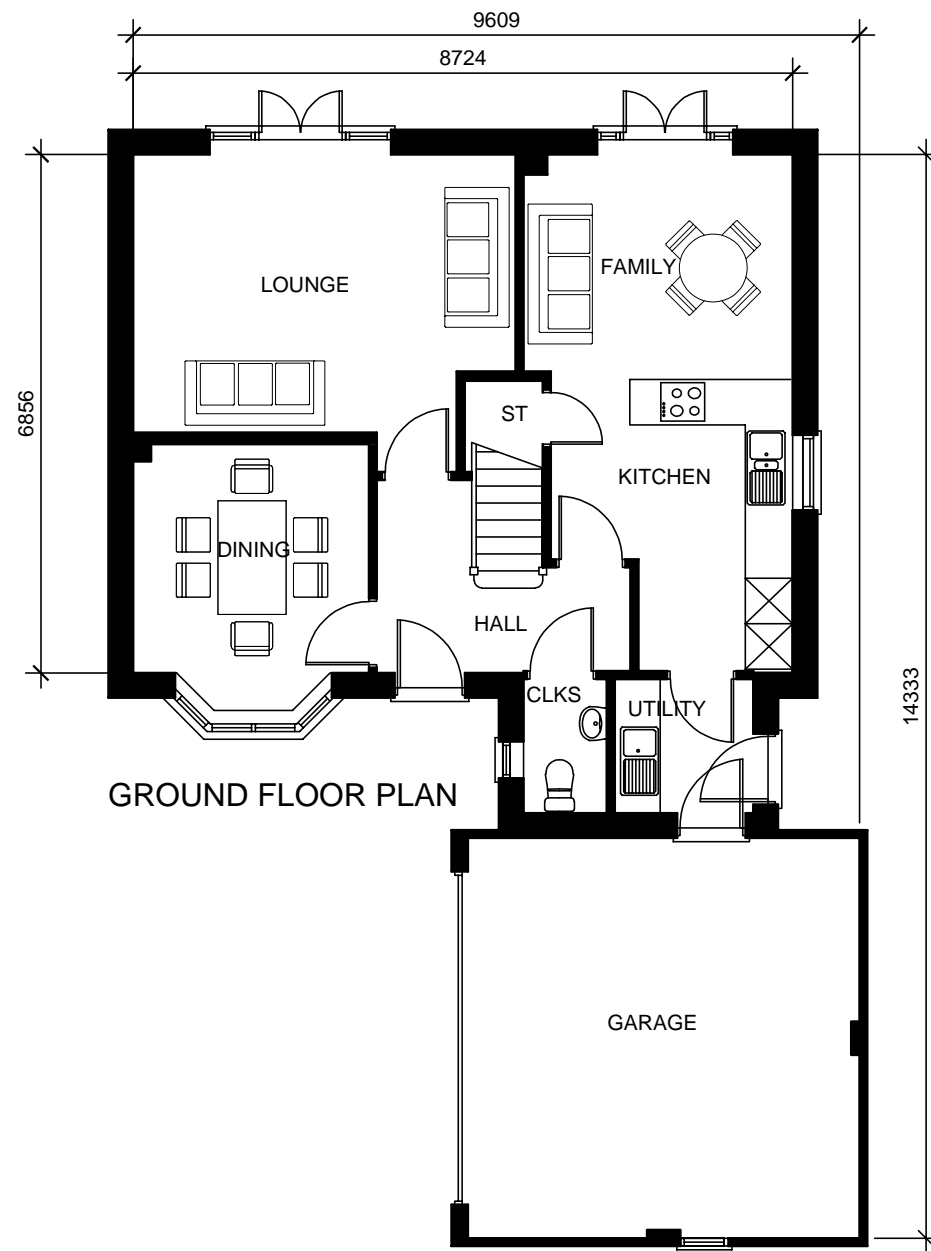


SIDE ELEVATION

HIGHER KINNERTON PHASE 2 - REGENCY SPEC

BUNBURY - G SERIES

A PLANNING ISSUE		
House Type Bunbury	Drawing no. HK2-G-P/BUN-01	Rev A
Title Planning Drawing	Floor Area 1298 sqft	Scale 1:100
<small>Elan Homes Limited.</small>		



Tudalen 71

HIGHER KINNERTON PHASE 2 - REGENCY SPEC
OAKHAM - G SERIES SHEET 1 OF 2

A PLANNING ISSUE		
House Type Oakham	Drawing no. HK2-G-P/OAK-01	Rev A
Title Planning Drawing - Plan	Floor Area 1355 sqft	Scale 1:100
Elan Homes Limited.		



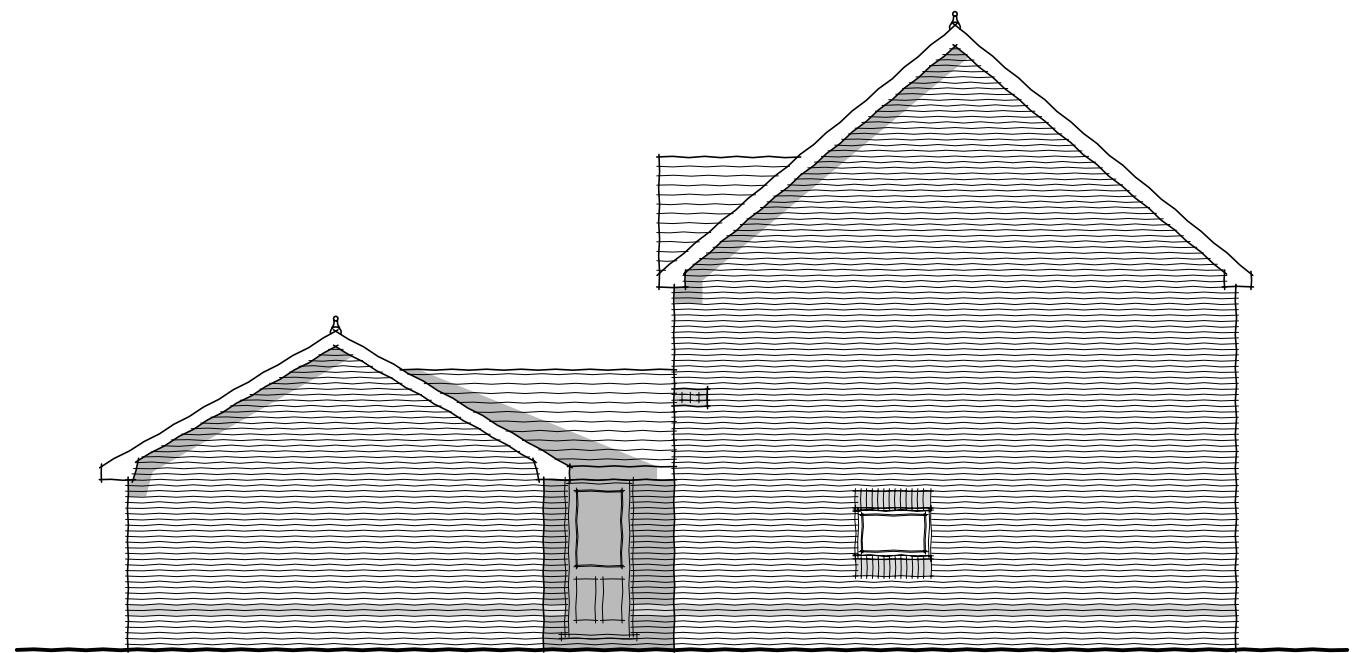
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

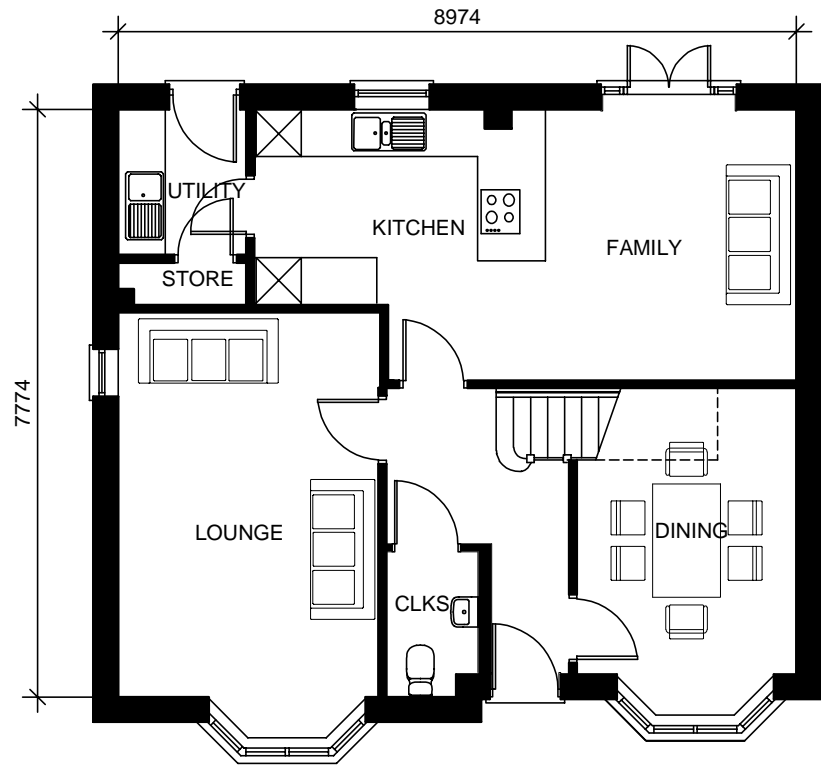


SIDE ELEVATION

Tudalen 72

HIGHER KINNERTON PHASE 2 - REGENCY SPEC
OAKHAM - G SERIES SHEET 2 OF 2

		A PLANNING ISSUE
House Type	Drawing no.	Rev
Oakham	HK2-G-P/OAK-02	A
Title	Floor Area	Scale
Planning Drawing - Elevations	1355 sqft	1:100
Elan Homes Limited.		



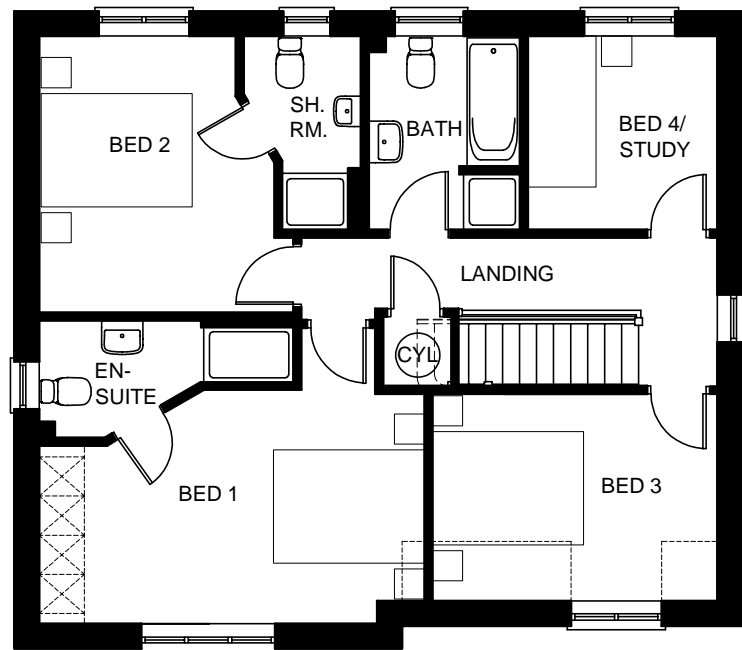
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



REAR ELEVATION

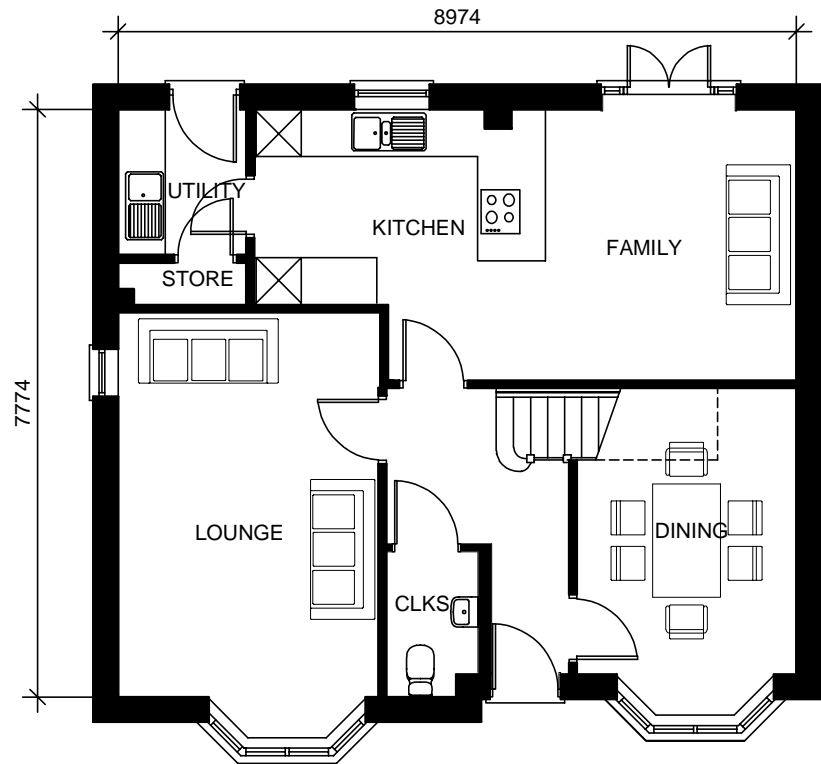


SIDE ELEVATION

Tudalen 73

HIGHER KINNERTON PHASE 2 - REGENCY PLUS SPEC STRATFORD SPECIAL - G SERIES TYPE 1

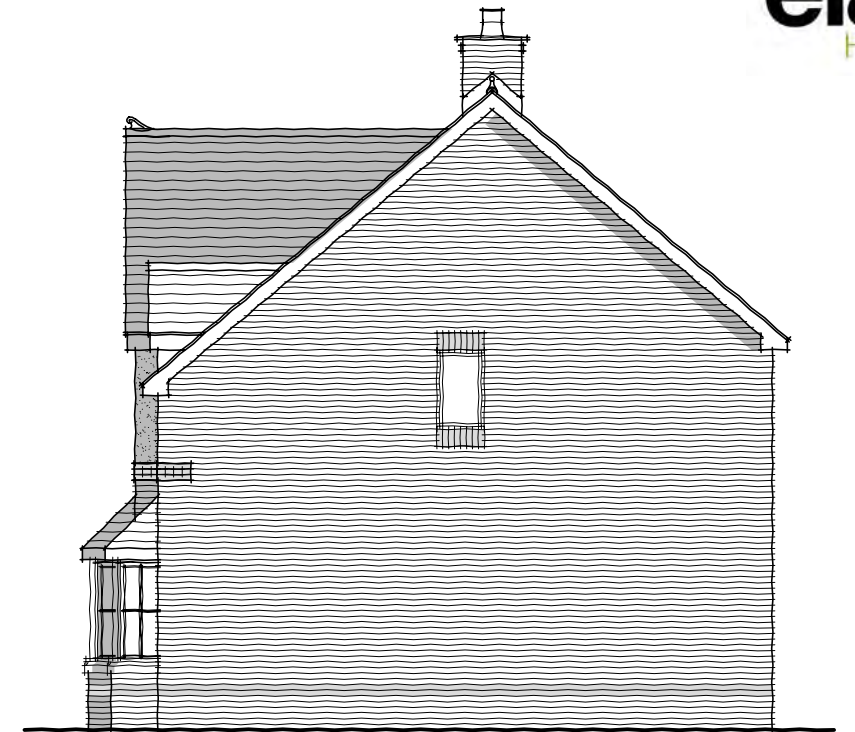
A PLANNING ISSUE		
House Type Stratford Special Type 1	Drawing no. HK2-G-P/STR-01	Rev A
Title Planning Drawings	Floor Area 1489 sqft	Scale 1:100
Elan Homes Limited.		



GROUND FLOOR PLAN

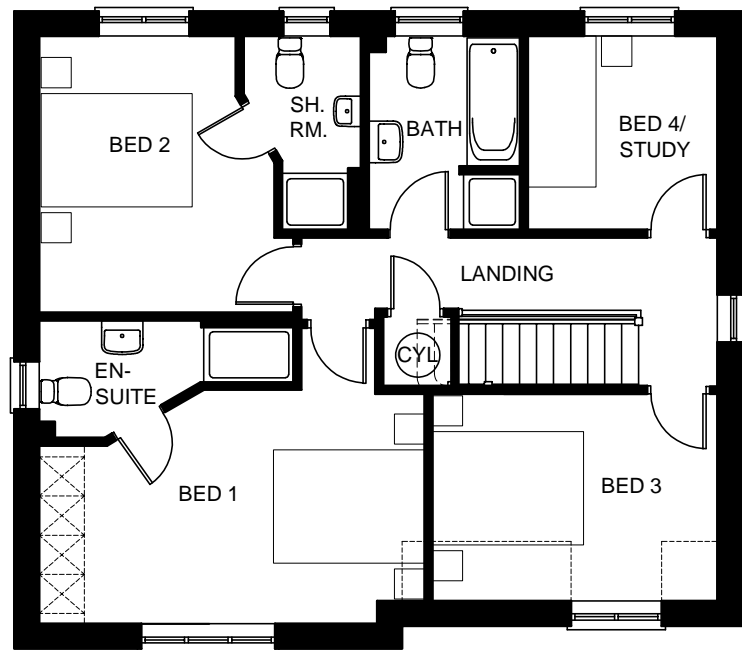


FRONT ELEVATION



SIDE ELEVATION

Tudalen 74



FIRST FLOOR PLAN



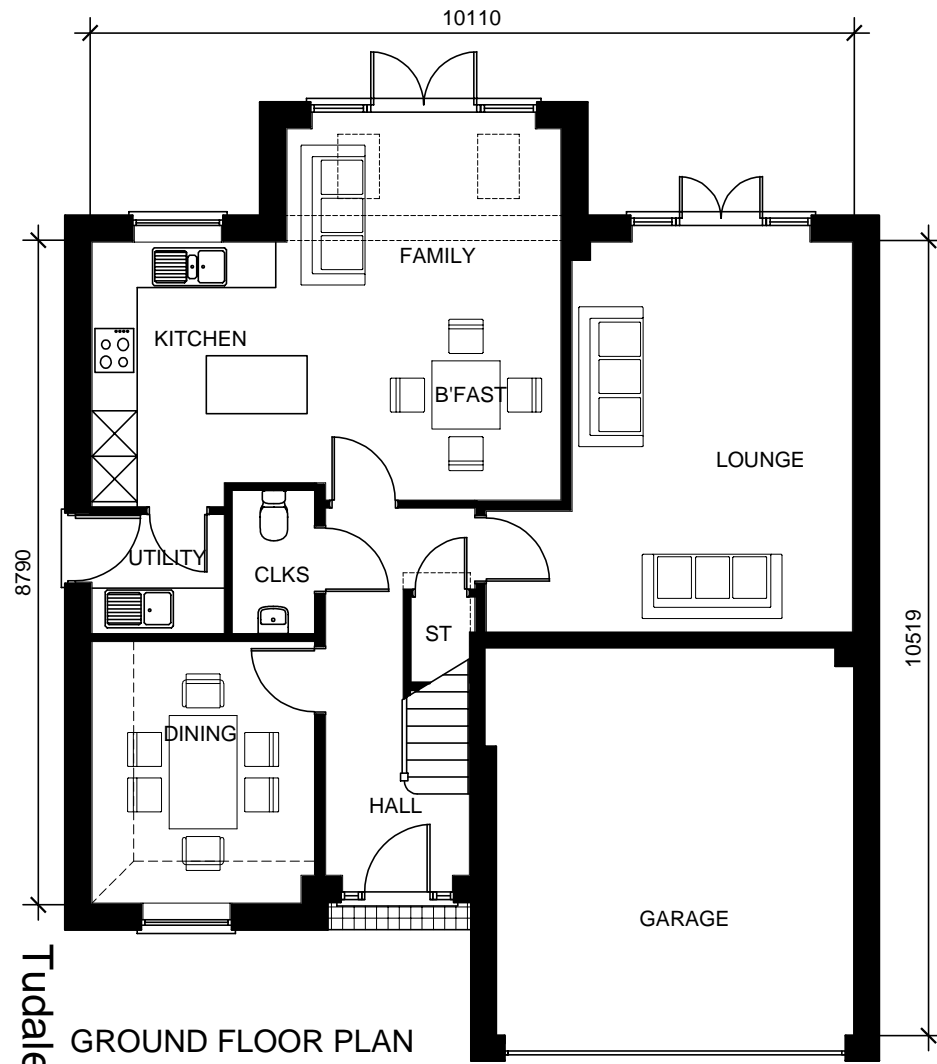
REAR ELEVATION



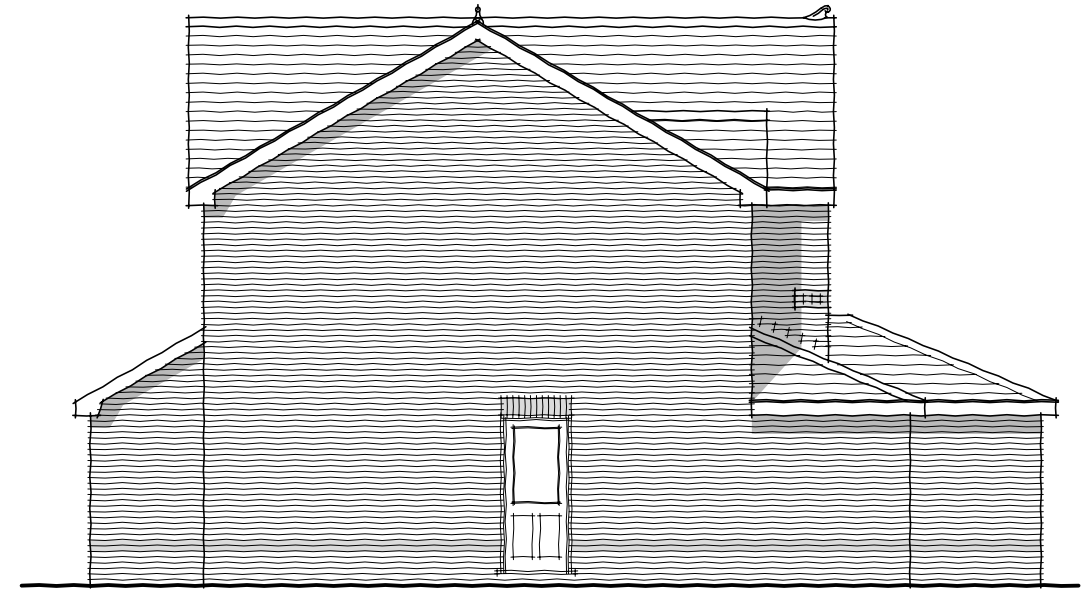
SIDE ELEVATION

HIGHER KINNERTON PHASE 2 - REGENCY PLUS SPEC STRATFORD SPECIAL - G SERIES TYPE 2

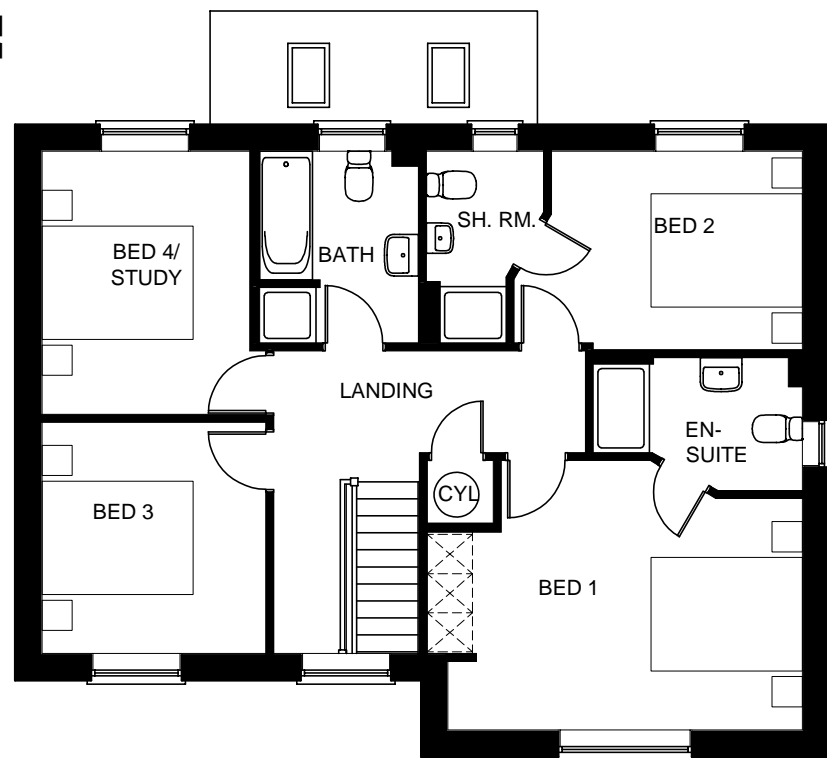
A PLANNING ISSUE		
House Type Stratford Special Type 2	Drawing no. HK2-G-P/STR-02	Rev A
Title Planning Drawings	Floor Area 1489 sqft	Scale 1:100
Elan Homes Limited.		



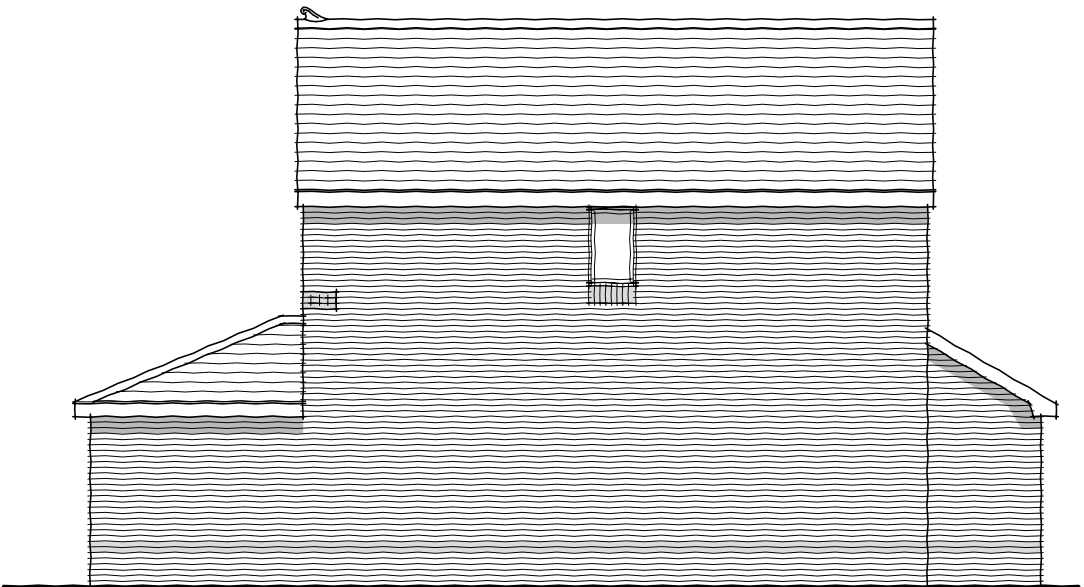
FRONT ELEVATION



SIDE ELEVATION



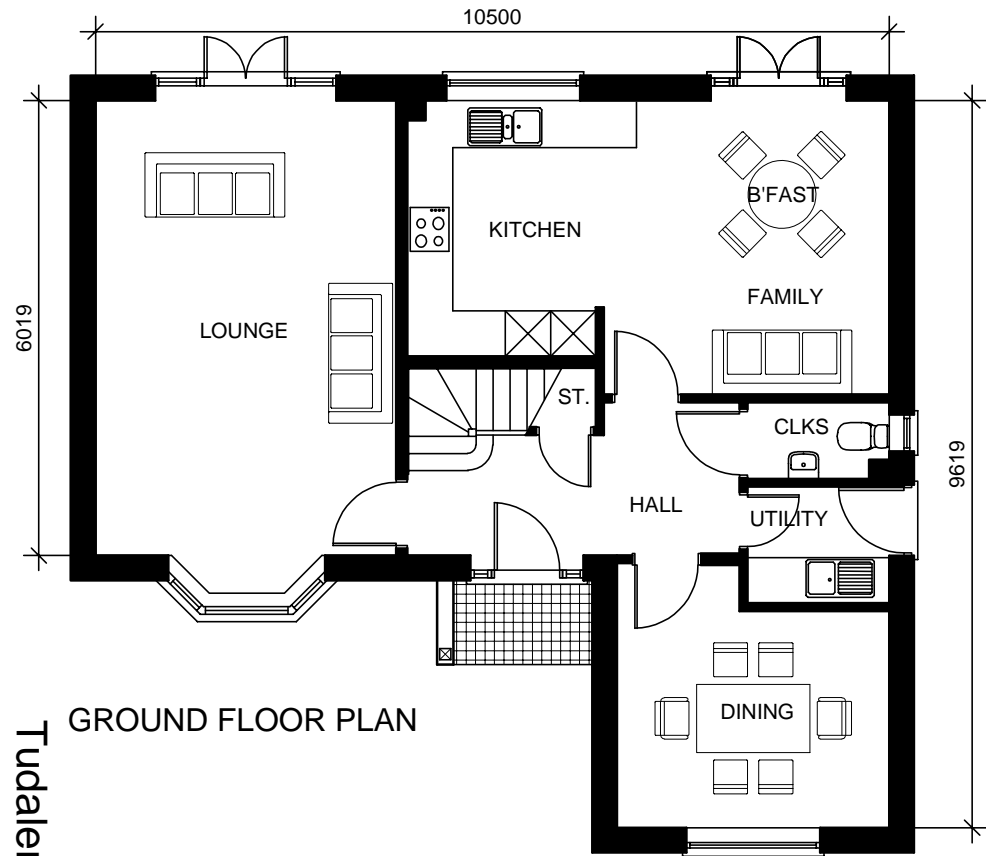
REAR ELEVATION



SIDE ELEVATION

HIGHER KINNERTON PHASE 2 - REGENCY PLUS SPEC WARMINSTER SPECIAL - G-SERIES

A PLANNING ISSUE		
House Type Warminster Special	Drawing no. HK2-G-P/WAR-01	Rev A
Title Planning Drawing	Floor Area 1590 sqft	Scale 1:100
Elan Homes Limited.		

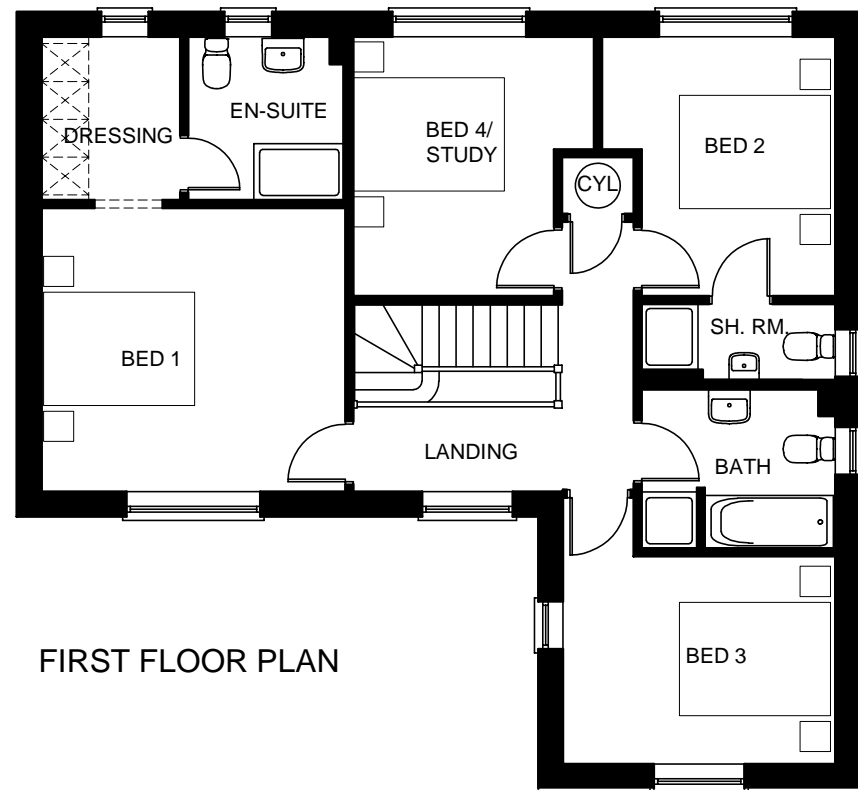


FRONT ELEVATION



SIDE ELEVATION

Tudalen 76



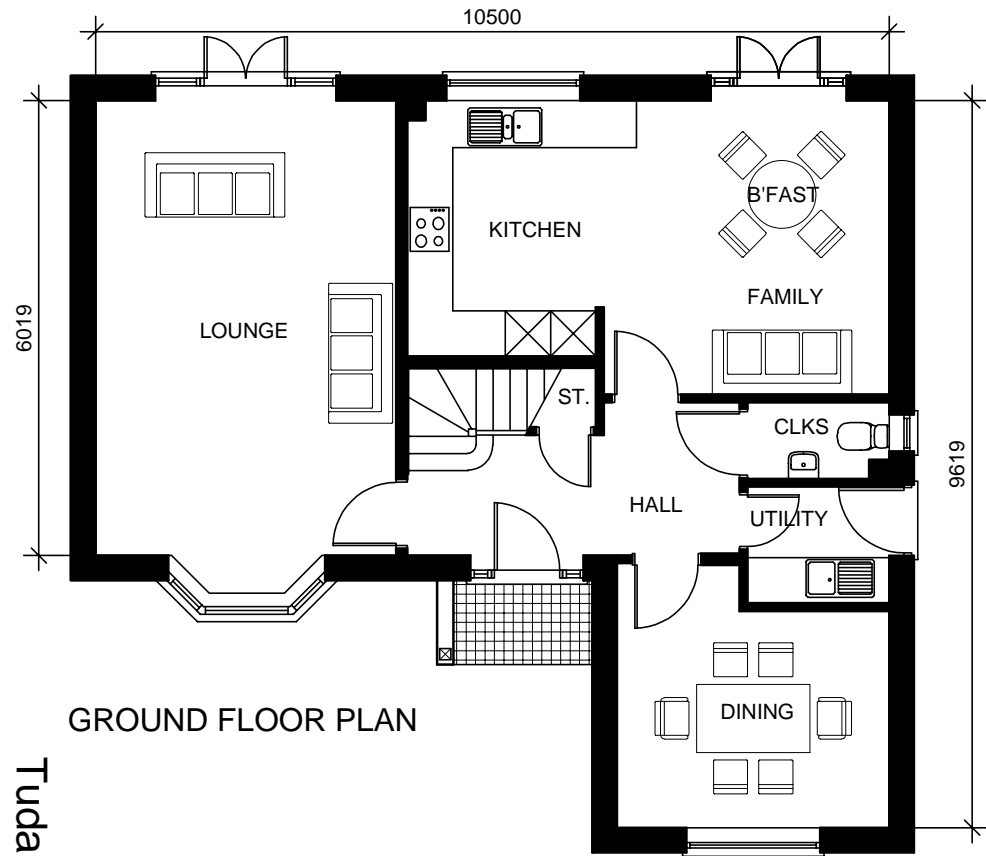
REAR ELEVATION



SIDE ELEVATION

**HIGHER KINNERTON PHASE 2 - REGENCY PLUS SPEC
MAYFAIR - G-SERIES TYPE 1**

A PLANNING ISSUE		
House Type Mayfair Type 1	Drawing no. HK2-G-P/MAY-01	Rev A
Title Planning Drawing	Floor Area 1648 sqft	Scale 1:100
Elan Homes Limited.		

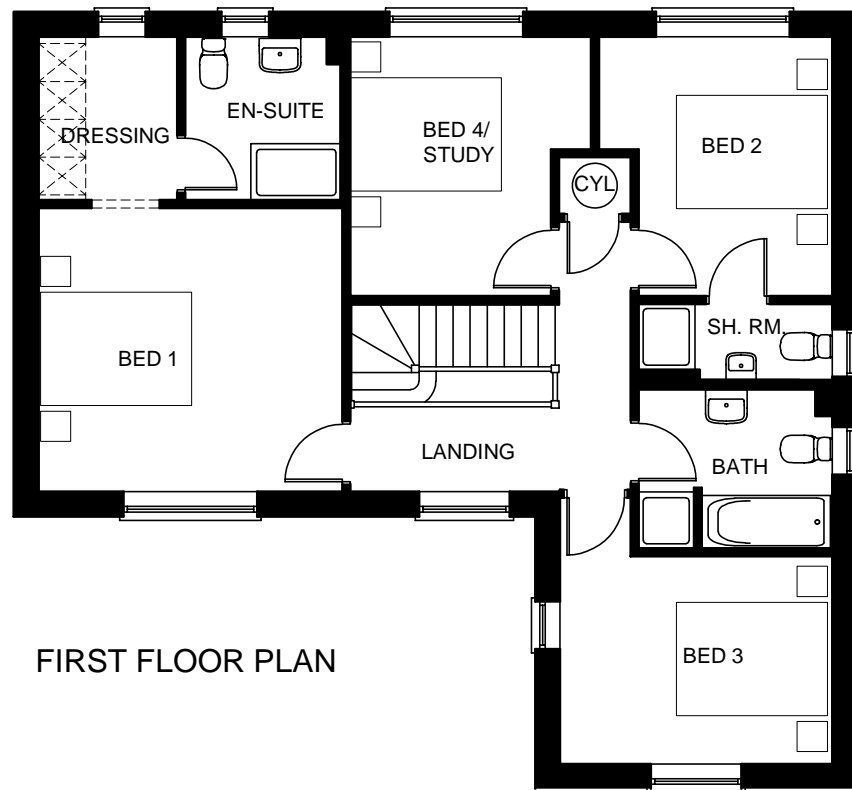


FRONT ELEVATION



SIDE ELEVATION

Tudalen 77



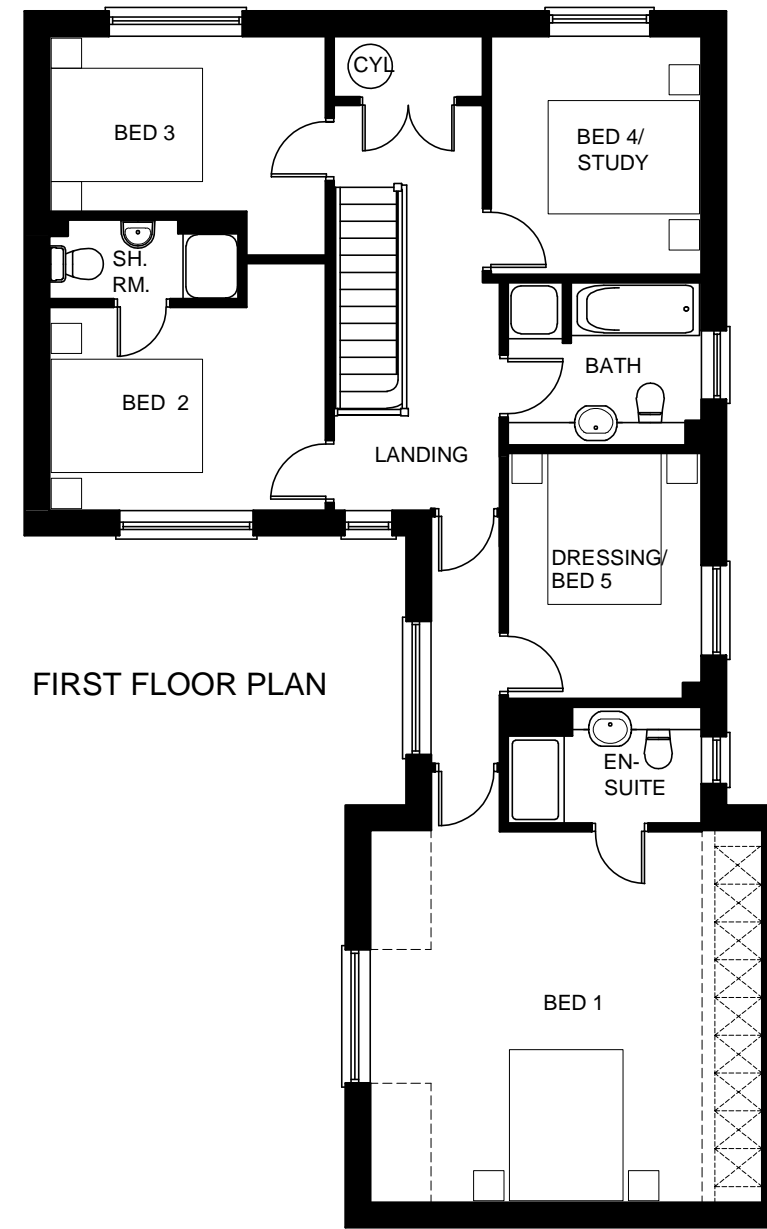
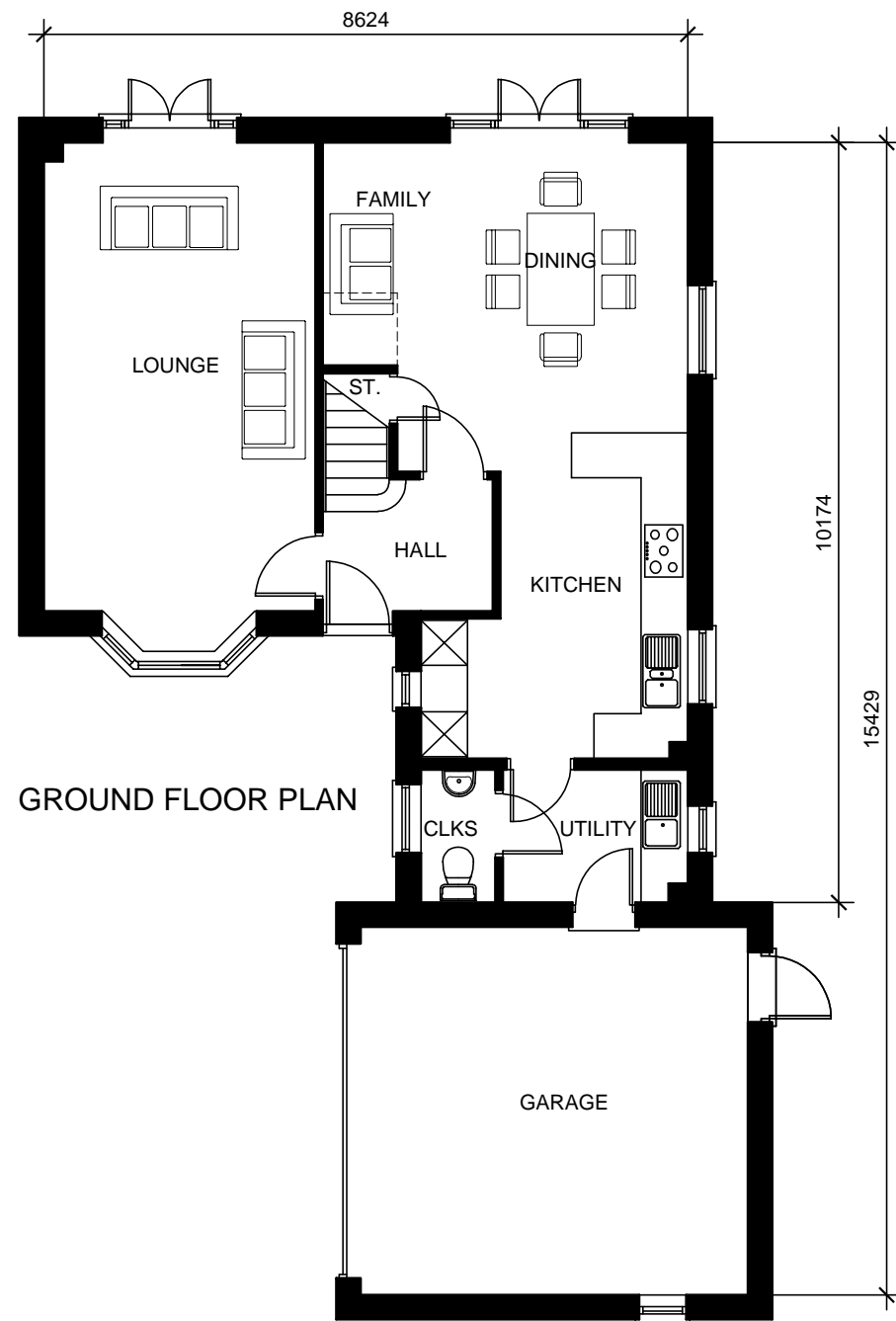
REAR ELEVATION



SIDE ELEVATION

HIGHER KINNERTON PHASE 2 - REGENCY PLUS SPEC MAYFAIR - G-SERIES TYPE 2

A PLANNING ISSUE		
House Type Mayfair Type 2	Drawing no. HK2-G-P/MAY-02	Rev A
Title Planning Drawing	Floor Area 1648 sqft	Scale 1:100
Elan Homes Limited.		



Tudalen 78

HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC
WESTON - G-SERIES SHEET 1 OF 2

A PLANNING ISSUE		
House Type Weston	Drawing no. HK2-G-P/WES-01	Rev A
Title Planning Drawing - Plans	Floor Area 1759 sqft	Scale 1:100
Elan Homes Limited.		



FRONT ELEVATION



FRONT ELEVATION



REAR ELEVATION



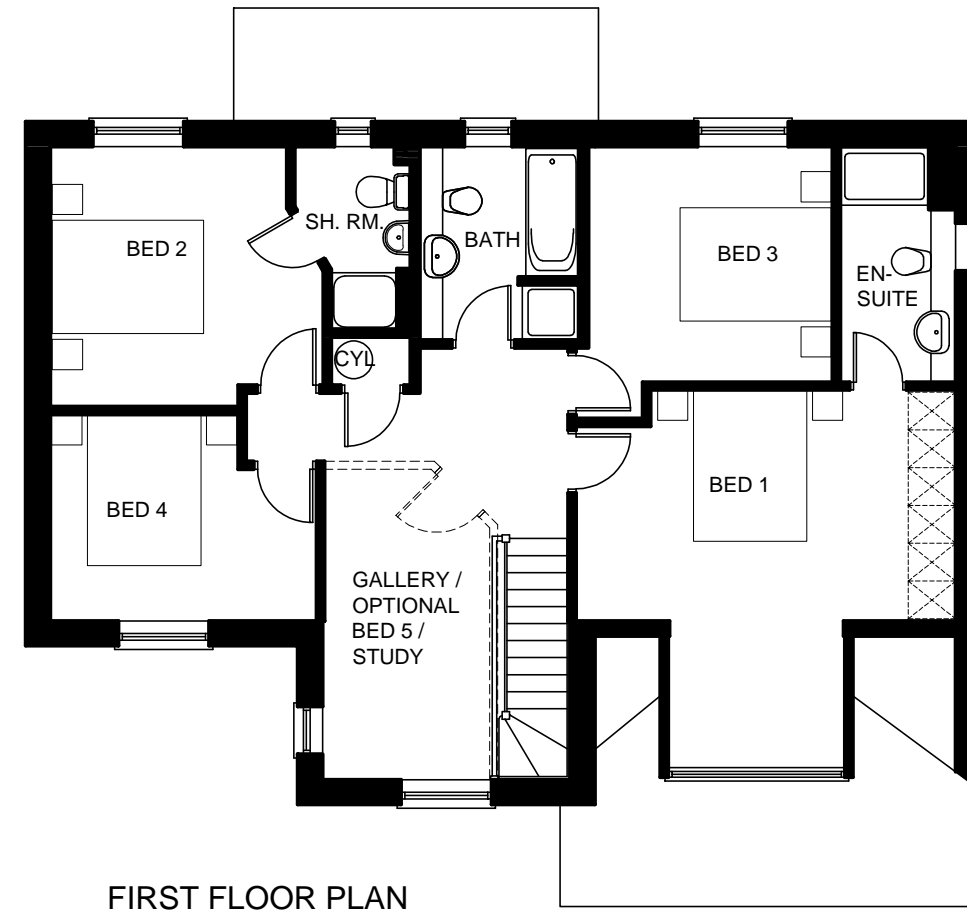
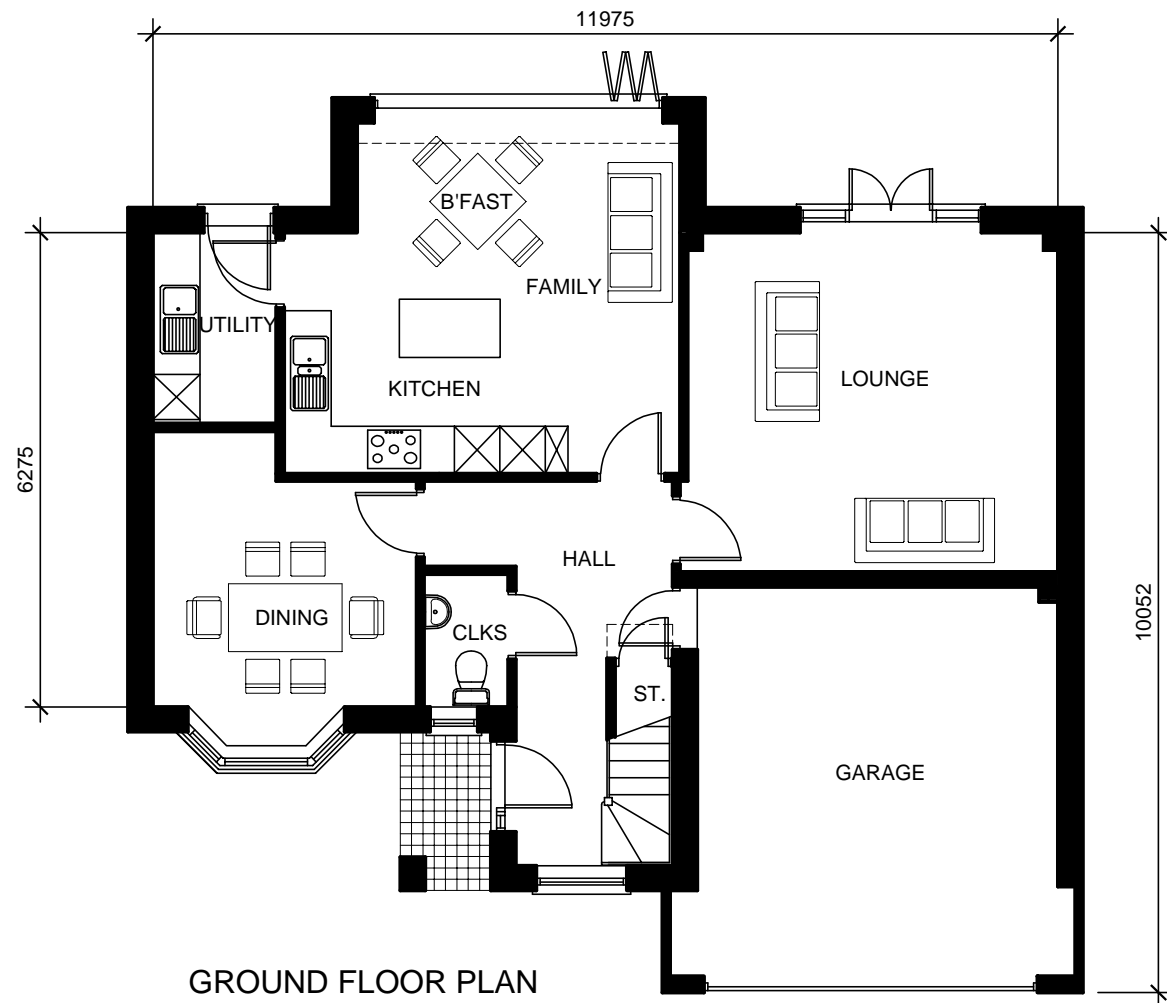
SIDE ELEVATION

Tudalen 79

HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC
WESTON - G-SERIES SHEET 2 OF 2

A PLANNING ISSUE		
House Type Weston	Drawing no. HK2-G-P/WES-02	Rev A
Title Planning Drawing - Elevations	Floor Area 1759 sqft	Scale 1:100
Elan Homes Limited.		

Tudalen 80



HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC

CHESHAM - G SERIES

House Type	Chesham	Drawing no.	HK2-G-P/CHE/01	Rev	A
Title	Planning Drawing - Plans	Floor Area	1765 sqft	Scale	1:100
Elan Homes Limited.					

A | PLANNING ISSUE



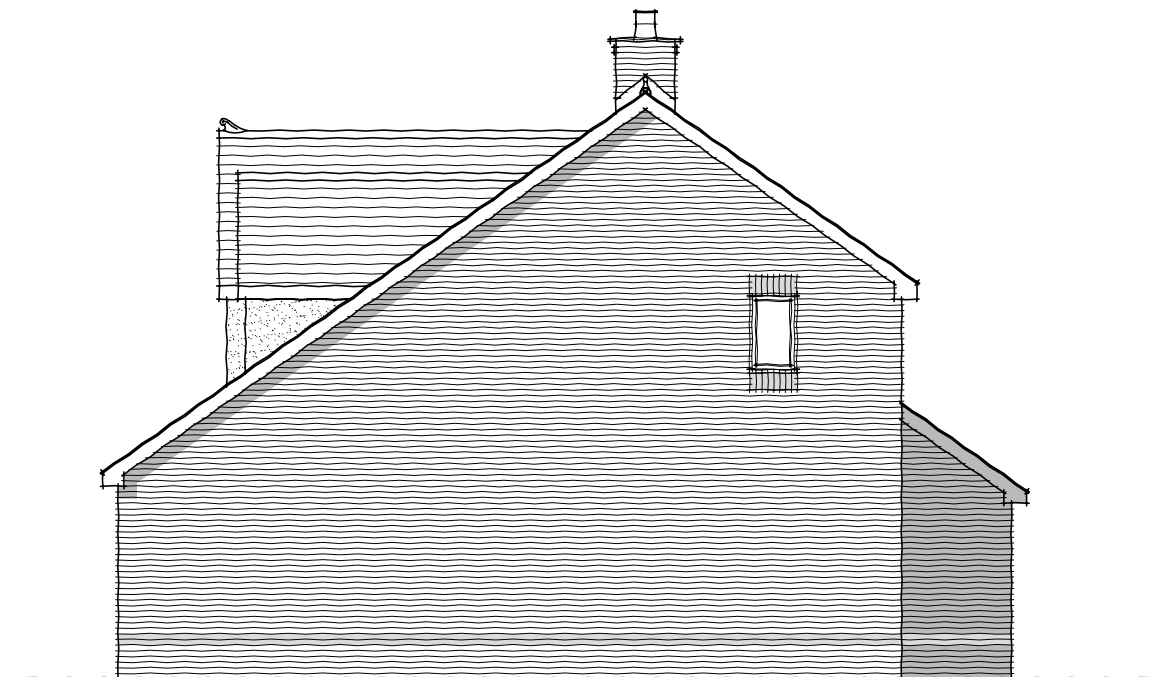
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Tudalen 81

HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC
CHESHAM - G SERIES TYPE 1

House Type		A PLANNING ISSUE	
Chesham Type 1		Drawing no.	Rev
Planning Drawing - Elevations		HK2-G-P/CHE/02	A
Elan Homes Limited.		Floor Area	Scale
		1765 sqft	1:100



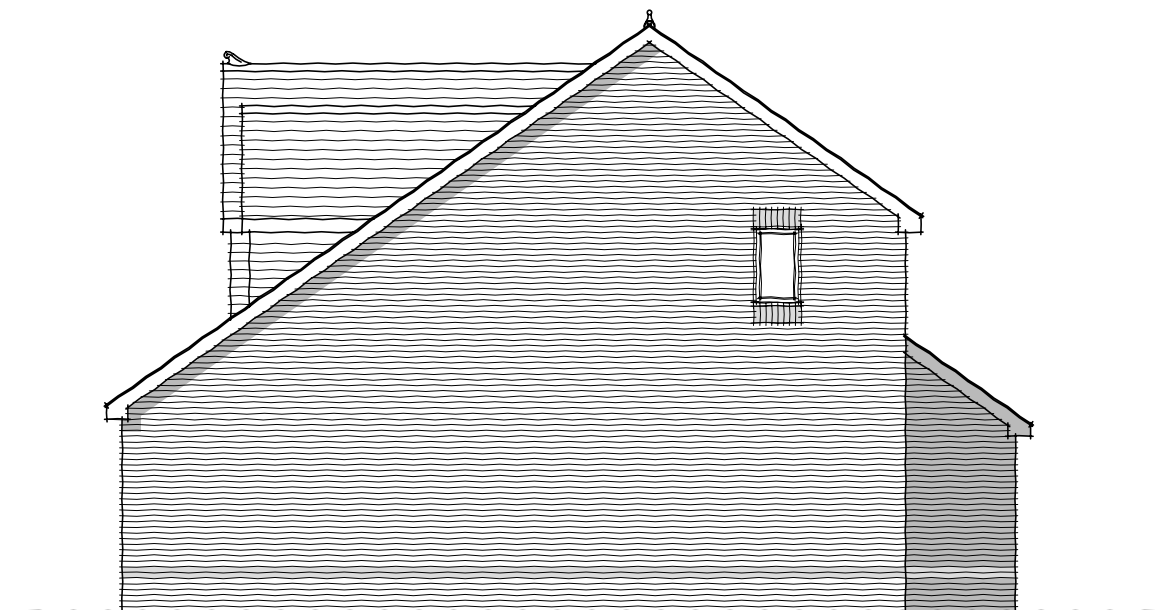
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



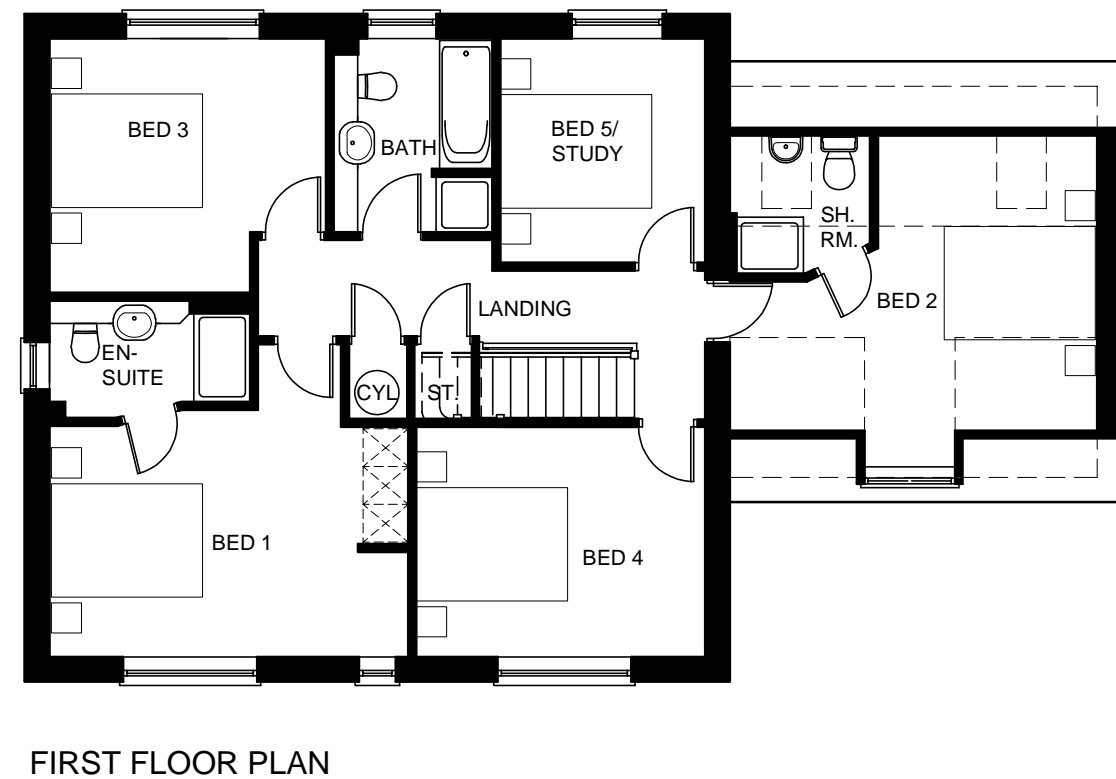
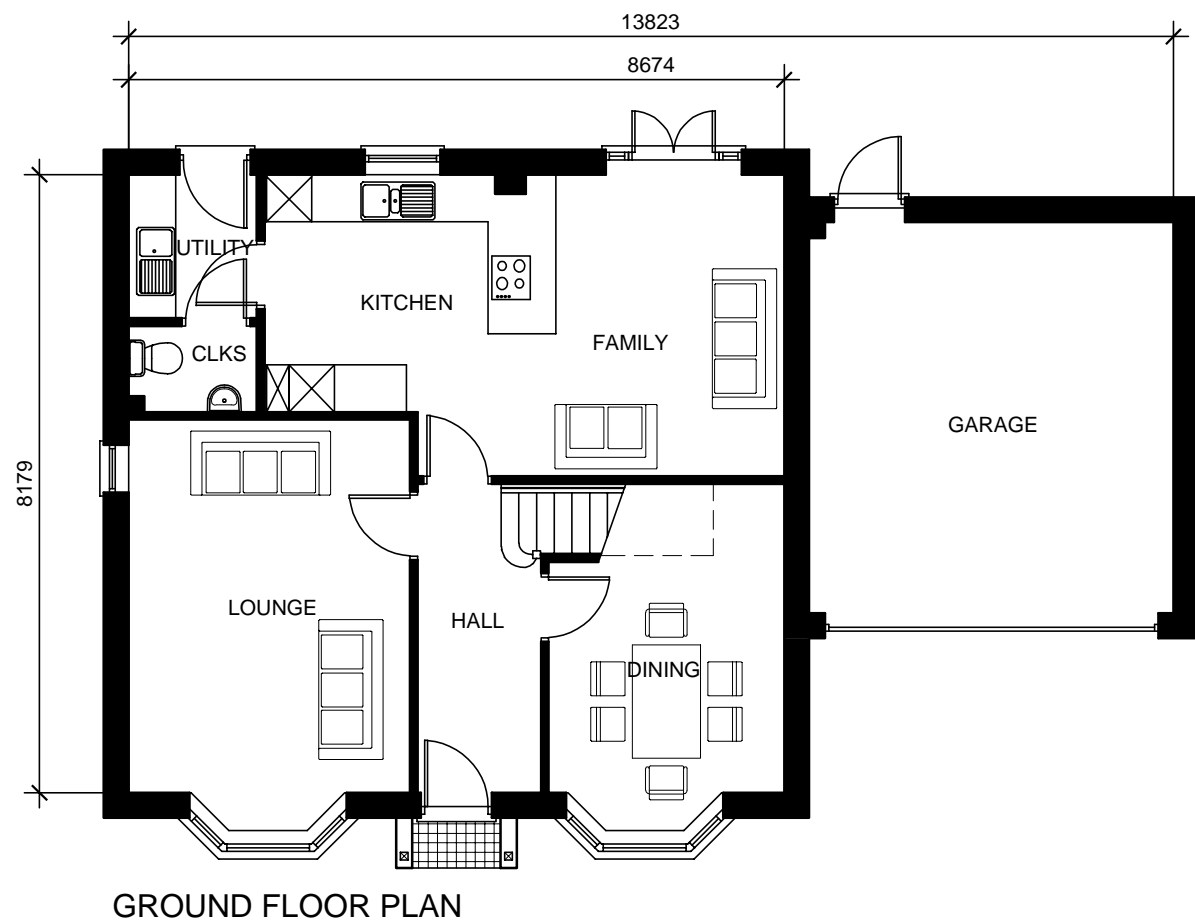
Tudalen 82

HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC
CHESHAM - G SERIES TYPE 2

A | PLANNING ISSUE

House Type	Drawing no.	Rev
Chesham Type 2	HK2-G-P/CHE/03	A
Title	Floor Area	Scale
Planning Drawing - Elevations	1765 sqft	1:100
Elan Homes Limited.		

Tudalen 83



HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC

MELLOR - G SERIES

		A PLANNING ISSUE
House Type	Mellor	Drawing no. HK2-G-P/MEL-01
Title	Planning Drawing - Plans	Rev A
		Floor Area 1766 sqft
		Scale 1:100
Elan Homes Limited.		



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

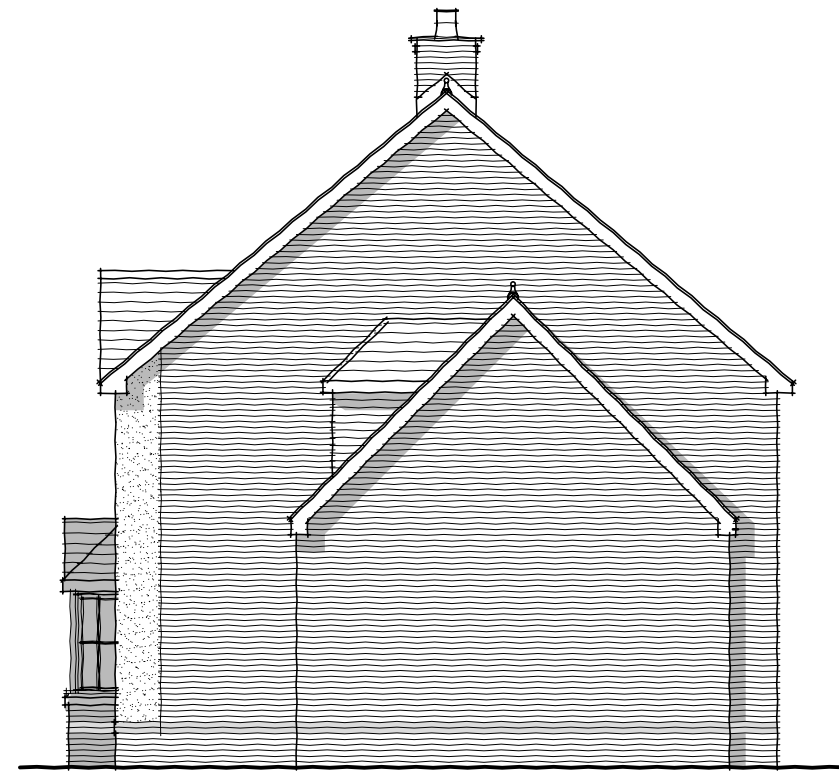
Tudalen 84

**HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC
MELLOR - G SERIES TYPE 1**

A PLANNING ISSUE		
House Type Mellor Type 1	Drawing no. HK2-G-P/MEL-02	Rev A
Title Planning Drawing - Elevations	Floor Area 1766 sqft	Scale 1:100
Elan Homes Limited.		



FRONT ELEVATION



SIDE ELEVATION

Tudalen 85



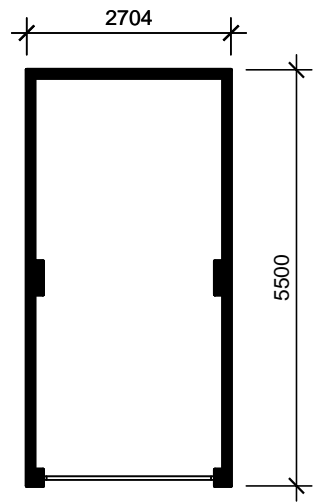
REAR ELEVATION



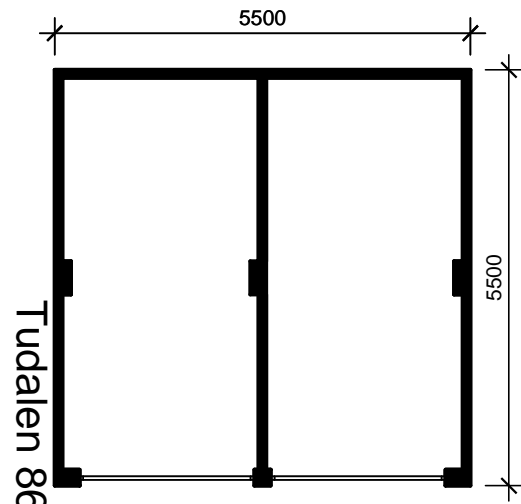
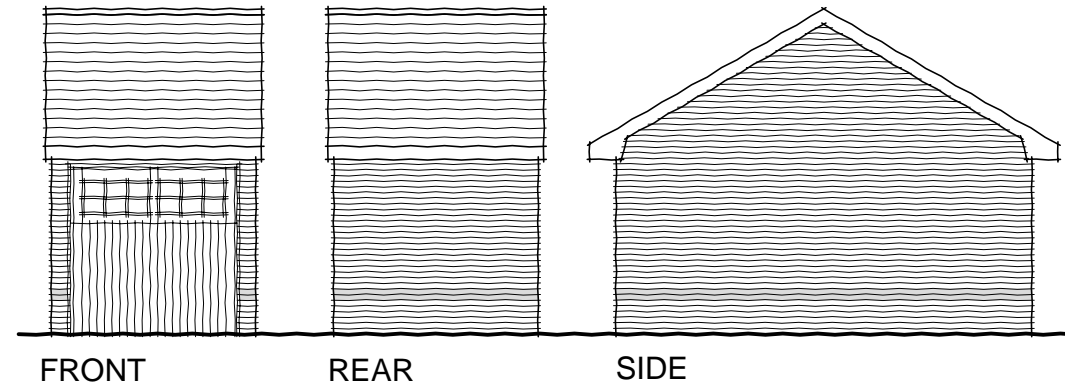
SIDE ELEVATION

HIGHER KINNERTON PHASE 2 - SOVEREIGN SPEC
MELLOR - G SERIES TYPE 2

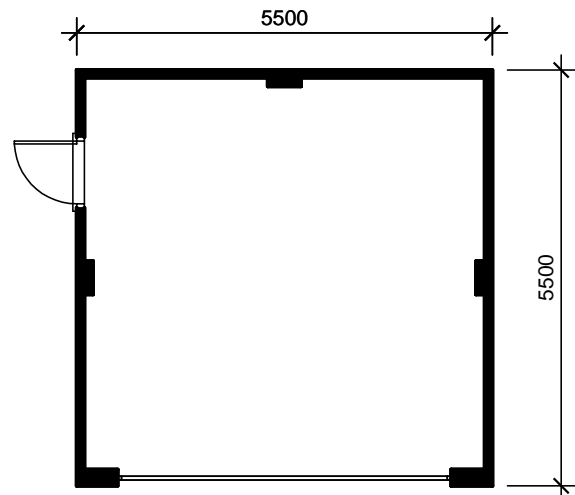
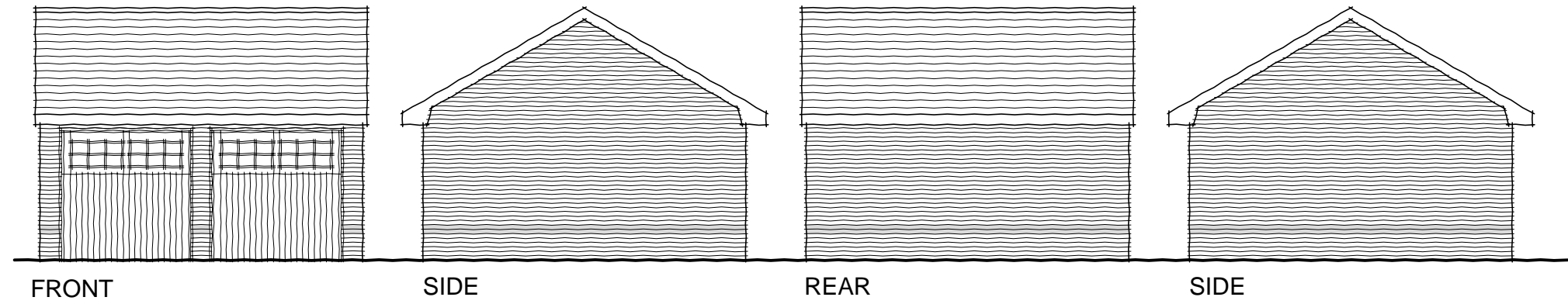
A PLANNING ISSUE		
House Type Mellor Type 2	Drawing no. HK2-G-P/MEL-03	Rev A
Title Planning Drawing - Elevations	Floor Area 1766 sqft	Scale 1:100
Elan Homes Limited.		



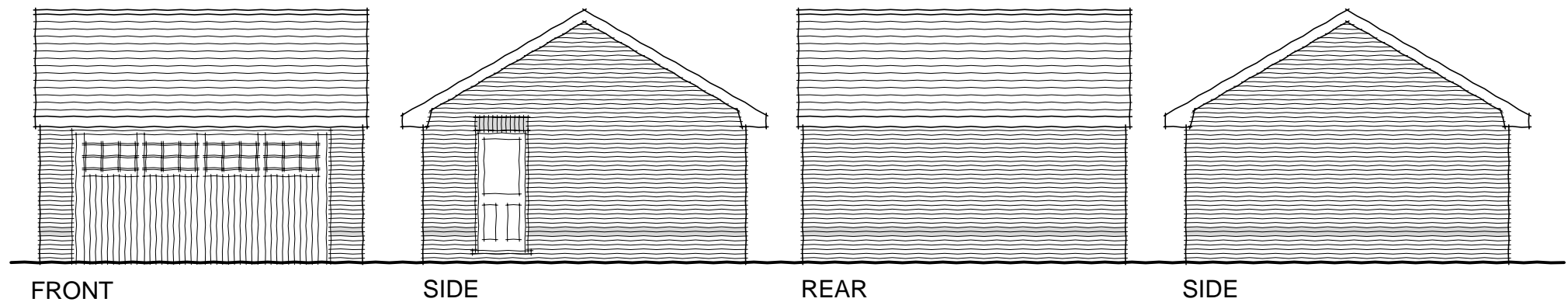
SINGLE GARAGE



LINKED SINGLE GARAGES



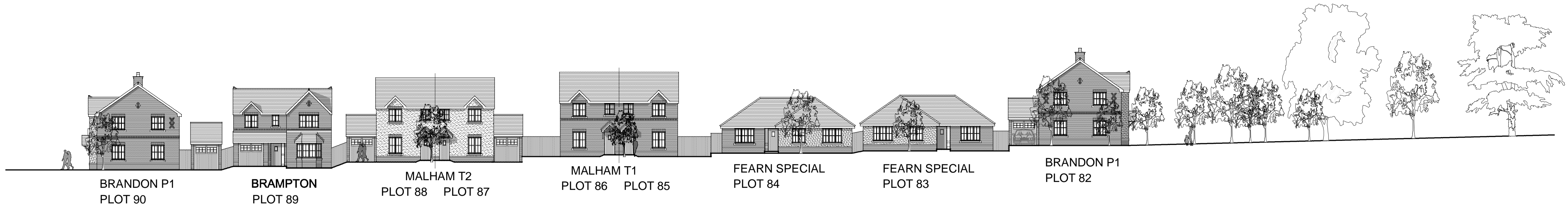
DOUBLE GARAGE



HIGHER KINNERTON PHASE 2 GARAGES

A PLANNING ISSUE		Rev
House Type Garages	Drawing no. HK2-GAR-01	A
Title Planning Drawing		Scale 1:100
Elan Homes Limited.		

NOTES:
Do not scale from this drawing as liable to distort.



PROPOSED STREET SCENE WITHIN DEVELOPMENT



PROPOSED STREET SCENE WITHIN DEVELOPMENT



PROPOSED STREET SCENE TO KINNERTON LANE

Tudalen 87

**KINNERTON LANE
HIGHER KINNERTON**

B	29.05.2020	ISSUED FOR COMMENT	TA
A	25.02.2020	ISSUED FOR COMMENT	TA
Rev	Date	Amendment	By

elan
HOMES

Oak House, Lloyd Drive, Cheshire Oaks Business Park
Ellesmere Port, Cheshire, CH65 9HQ
Tel: 0845 481 8801 Fax: 0845 481 8802 Web: www.elan-homes.co.uk

DEVELOPMENT:
**KINNERTON LANE,
HIGHER KINNERTON**

TITLE:
STREETSCENES

DATE:
25.02.2020

SCALE:
1:200 @ A1

DRAWN:
TA

DRAWING NO:
HK2-SS-001

REV:
B

Statement from local resident

I write regarding the application by Elan Homes for their 2nd phase in Higher Kinnerton. As you have many to read I will try to make it brief.

1. *Parking. For many reasons but especially safety, ease of access for emergency services, deliveries etc. I do think drives should be made large enough to accommodate at least 2 cars. Without this cars will always be parked on the road and often on the pavements. The current Elan Home Estate has short drives to many of the homes so larger vehicles hang over onto the pavement. The single garages are only large enough to act as a bike shed. Your car may fit but forget trying to open the door to get out. (I made a private application to Conwy County Council not so long ago and the Highways department insisted there had to be a minimum of 3 large parking places allocated on the drive for a 4 bedroom house. They would not approve my application until I had included this). As we all know most homes have at least 2 cars per household for a 2 bedroom house and 4 or 5 if adult children living at home. I have absolute proof of this in Cannon Way.

2. Flooding. This is an incredibly wet area and prone to flooding often. Already the path/pavement area outside what was previously the Elan showhome was so wet recently that I could not walk through it as I did not have my wellingtons on. I am surprised the new drainage system Elan Homes should have laid had not prevented this from happening. To be fair to them though, it really does flood here constantly. In Park Avenue the water is so strong it lifts the tarmac and has done for some time. It had been attended to quite recently but the same still happens.

3. Totally personal:- I wish builders would include 3/4 bedroom bungalows in their developments. Not just for people on low incomes. We have a 4 bedroom family house because there were no bungalows available in this area at the time. A secondary reason bungalows are a good idea is that they do break up the monotony on a modern housing development. As do curving roads.

*I have found that rules for building companies are less restrictive than for private housing applications but parking really is a major problem everywhere these days. The Welsh Assembly Government still live in the past when less cars were about so tend to think limited off-road parking is quite acceptable. They also use the public transport services as an excuse for builders not to provide much parking. They obviously all live in the centre of a city.

Statement from local ward member

In the context of FCC's planning framework, the planning statement accompanying the Planning Application includes several references to the Unitary Development Plan (UDP) having expired and to FCC having no development plan, which is misleading. Although the UDP became time expired at the end of 2015, until the adoption of the Deposit Local Development Plan (LDP) it remains the adopted development plan and an important material consideration in determining any planning decisions until superseded by the emerging LDP. Furthermore, the Planning Statement refers to FCC not having an LDP which is also misleading insofar as a revised Delivery Agreement has been agreed by the Welsh Government and the LDP is well-progressed. Planning permission for the first development of Kinnerton Meadows was only granted on appeal on the basis that, in accordance with Technical Advice Note 1 ("TAN 1") the Planning Inspector attached considerable weight to the lack of a five-year housing land supply as a material consideration in determining the Planning Application for housing. TAN 1 has now been revoked in its entirety. Given that TAN 1 and its method of monitoring supply against a 5-year requirement has been revoked, FCC is entitled to give weight to the principle of using the Deposit LDP trajectory to demonstrate its ability to deliver housing and meet housing requirements. The applicant's assertion that FCC have zero housing land supply and cannot show a housing land supply. Is misleading and inaccurate. With the revocation of TAN 1 it is not the case that there is any measurable shortfall in housing supply that would warrant a further speculative development in Higher Kinnerton.

I do not consider the proposed speculative development to be sustainable as the village has already absorbed exceptional development on the adjacent large speculative site and the development proposals would not deliver any positive economic social or environmental outcomes. Furthermore, the LDP makes adequate provision in the local area for housing via Warren Hall which is a strategic site identified for development in the emerging LDP and which would provide more balanced and sustainable development as compared to the development proposed in the Planning Application. Following publication of Flintshire's Deposit LDP the proposed site is no longer considered a candidate site and is not selected for future development. There is no economic benefit for the village from this site only one for the developer and their subcontractors.

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.4

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 3rd March 2021

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

SUBJECT: HOUSEHOLDER APPLICATION FOR A REAR EXTENSION AND SIDE EXTENSION.

APPLICATION NUMBER: 061817

APPLICANT: MR MAKARUK

SITE: 17 OVERLEIGH DRIVE, BUCKLEY

APPLICATION VALID DATE: 24.09.2020

LOCAL MEMBERS: CLLR CAROL ELLIS

TOWN/COMMUNITY COUNCIL: BUCKLEY TOWN COUNCIL

REASON FOR COMMITTEE: REQUESTED BY LOCAL MEMBER DUE TO CONCERNS ABOUT THE OVERBEARING IMPACT OF THE EXTENSION ON NEARBY RESIDENTS

SITE VISIT: REQUESTED BY LOCAL MEMBER DUE TO CONCERNS ABOUT THE OVERBEAIRNG IMPACT OF THE EXTENSION ON NEARBY REISDENTIS

1.00 SUMMARY

- 1.01 This is a retrospective planning application which seeks permission for a rear extension, a side extension to create a porch and alterations to the windows & doors on the front previously approved extension.

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

Conditions:

1. In accordance with the approved plans.
2. Notwithstanding the details shown upon the approved plans the bathroom window and ensuite window shall be obscure glazed in accordance with details to be submitted agreed and implemented within 3 months of the date of this permission.

3.00 CONSULTATIONS

3.01 Local Member Councillor Ellis

To go to committee, concerns raised by other members and the public overbearing impacts on nearby residents.

The Officer planning appraisal for the original application 053265 is flawed by the omission of important relevant information.

A front door introduced under application 053265 has subsequently been removed, no external escape route now exists at the front of the property.

Buckley Town Council

No Objections

Highway Development Control

No objections to the proposal and no recommendation on highway grounds.

Community and Business Protection

No adverse comments to make regarding this proposal

4.00 PUBLICITY

4.01 Neighbour Notification

1 Neighbour notification received raising the following issues;

- No consultation received for the planning application 053265 in 2015.
- Had been advised that an application to the frontage of their property would not be likely to be supported however the application approved a front extension
- Privacy issues over the bedroom window approved under 053265.

- I am of the understanding that another window has been planned opposite my bedroom window, albeit a bathroom window.
- The rear extension was erected in July 2020 and now a flat roof has been requested, but protruding outwards 4 metres plus, when on the original plans it was just 3.2 metres inside, and the height of the new structure is also open to debate.
- If these plans get approval it will more than double the size of the floor area of the original building. It is well above what I believe to be the permitted area percentage.
- The front extension granted under permission has recently been altered, the door has been removed and windows altered.

5.00 SITE HISTORY

5.01 034340

Two storey rear extension
Refused 30.09.2002

035614

Rear extension and alterations to roof to form additional accommodation within roofspace
Approved 26.06.2003

053265

Erection of single storey extensions to front and side of dwelling
Approved 14.04.2015

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

HSG12 House extensions and alterations
GEN1 General requirements for development
GEN2 Development inside settlement boundaries
D1 Design quality, location and layout
D2 design

SPGN No1. Extensions and Alterations to Dwellings
SPGN No2. Space Around Dwellings

6.02 National:

Planning Policy Wales Edition 10 December 2018
Technical Advice Note TAN 12 :Design (2016)

7.00 PLANNING APPRAISAL

7.01 Site description

The application site is located within the settlement boundary of Buckley and comprises a detached bungalow of brick construction under a tiled roof. There is a driveway to the front and side of the property accommodating off road parking together with a front and a large rear garden providing amenity space.

- 7.02 The application is a retrospective application to regularise works following the receipt of an enforcement complaint and an investigation. The works undertaken have created a single storey extension to the rear of the dwelling. The rear extension projects from the rear elevation of the dwelling by 4m having and has a width of approximately 8m to match the existing dwelling. The roof is a flat with a raised roof lantern. This proposal also includes a small side extension to create a porch and some alterations to the doors and windows on the previously approved front extension.

Background

- 7.03 Planning permission was granted under delegated powers reference 053265 on 14.04.2015 for a front and rear extension. The application which was approved was for a front extension which was completed in 2015 and a rear extension. The rear extension as approved projected from the rear of the property by 3.5m with a pitched roof measuring approximately 5.6m to the ridge. The front extension was implemented as approved but the rear extension was not implemented.

- 7.04 The front extension approved in 2015 was to provide a front porch and dining area. There have been some alterations to the internal layout and this area is now proposed to become a bedroom with ensuite. These internal re-arrangements do not require planning permission.

- 7.05 The front entrance has been removed and the large window to the front has been replaced with two smaller windows and the window to the side will now be obscurely glazed. These alterations did not require planning permission.

- 7.06 The plans approved in 2015 show 3 windows along the side of the property closest to No 16. These windows were serving a bathroom, bedroom and a dining area. The new plans accompanying the current application indicate the 3 windows will be serving a bedroom and ensuite. Therefore two of these windows will be obscurely glazed. The material difference between that which was approved and that whilst is proposed is a reduction in windows to habitable rooms from 2NO. (to a bedroom and dining room) to 1No. (to a bedroom).

- 7.07 A side extension, measuring 1.5m in width by 3m in length has been created to provide a porch. A door is proposed to the front elevation. This has been built in brick to match the existing property and along with the rear extension forms part of application 061817.
- 7.08 Main Issues
It is considered the main issues within the determination of this application are:
1. the effects upon the character and appearance of the building and surrounding area; and
 2. the effects upon the living conditions of the occupiers of existing adjacent dwellings.
- 7.09 Character and Appearance.
Although the development is larger than the previously approved plans, in terms of character and appearance, the proposal respects the design of the bungalow and surroundings. Although the lantern style roof is a more modern feature, these are commonly used throughout settings such as this and do appear out of character with in the bungalow. The development also utilises materials which match the existing dwelling.
- 7.10 The neighbouring property No. 16 has a similar style rear extension with a flat roof. It is therefore considered that the proposal respects the existing dwelling and character of the surrounding area.
- 7.11 In terms of scale the proposal will retain adequate amenity area once built. It is considered that the works are subordinate in scale and will not be deemed as overdevelopment of the site.
- 7.12 The extensions approved under the previous planning application (Reference 053265) amounted to an increase in the size of the original dwelling by approximately 59%. The extensions subject of this application amounts to an overall increase of size of the original dwelling by approximately 78%. Although this is over the 50% general guideline which has been expressed within the reasoned justification of Policy HSG12 and within SPGN No2 Space about Dwellings, it is not considered that the extensions are out of scale and character. This is because the proposals are similar in scale and character to other dwellings in Overleigh Drive as can be seen on the location plan and that the large plot and position of the rear extension has not breached the 45 degree guideline which is used to help officers consider whether an extension has an unacceptable impact on people living nearby. This matter is examined in more detail below.
- 7.13 Living Conditions
The proposal includes a single storey extension with a flat roof, the rear garden is bound by close boarded timber fencing.

- 7.14 The rear extension does not project past the 45 degree line as set out in SPG1. Although there is a slight infringement with the 25 degree measurement to the eaves of the proposed extension, the proposal is a flat roof single storey extension and it is considered that its vertical emphasis is not significant and would not adversely affect the living conditions of the adjacent properties.
- 7.15 Whilst the front extension has been altered slightly from what was previously approved, the door has been removed and a large window replaced with two smaller windows, these do not cause any overlooking issues. The window that was serving a dining room will now be serving an ensuite and therefore will be obscurely glazed, which will have less of an impact than the previously approved plans.
- 7.16 Concerns have been raised regarding the proposed bathroom window. I have placed a condition on this approval so that the bathroom and ensuite windows will be of obscure glazed, non opening which will be retained in perpetuity
- 7.17 SPGN No 2 states that the private amenity space required for a three bedroom dwelling is 70m². The private amenity space retained following these proposals exceeds this, retaining approximately 125m².
- 7.18 I do not therefore consider that the proposal will have a negative impact on the neighbouring properties and am satisfied therefore that the proposals comply with the criteria contained with policy HSG12.
- 7.19 Other Matters
A third party has raised issues in response to consultation which I address in turn below.
- i) No consultation was received for the planning application 053265 - Our records confirm that consultations were sent out.
 - ii) Concerns have also been expressed that a bedroom window was inserted opposite an existing bedroom window without any notification - This window formed part of the planning application 053265 and again, our records show consultations were sent out. There is no complaint recorded about the works which were completed several years ago in reference to planning permission 053265 which was approved 6 years ago which would have allowed the Council to address this matter at the relevant time. This is not a matter which attracts significant weight in the overall planning balance when determining the current application.

- iii) The application is retrospective as the owner has not built in accordance with the approved plans. - The Development Management Manual is clear that the retrospective nature of a planning application is not a matter weighing against a recommendation for approval. Planning legislation clearly allows an applicant to regularise works, as has occurred in this event.
- iv) Comments have been made that a neighbour was advised that a similar style front extension would not be likely to be supported on the neighbouring property - No application has been submitted by any third party for consideration so this is speculation.
- v) Cllr Ellis has expressed concern that the development does not provide an adequate emergency escape - This provision would be regulated by the Building Regulations. When legislation provision exists elsewhere, a planning application should not seek to replicate those controls and therefore this is a matter which can only be attributed the most minor of weight in the planning balance.
- vi) The officer planning appraisal for the original application 053265 is flawed by the omission of important relevant information - if there is an error in the report relating to a decision approved in 2015, this is something that cannot be rectified through the current application. It is re-emphasised that this matter was not raised by the third party at any time prior to the submission of this application.

7.20 These matters, when considered either in isolation or in combination, do not serve to weigh against my consideration of the merits of this application and I recommend accordingly.

8.00 CONCLUSION

The extension and alteration of the property in the manner proposed is considered to be of appropriate form and scale relative to the existing bungalow and existing development at this location. The proposal is considered to be reflective of the character of the existing property in form and design. It is my view that there is no detrimental impact on the living conditions of occupiers of existing properties from overlooking or overshadowing and is acceptable having regard to policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan, and Supplementary Planning Guidance Notes 1 and 2.

8.01 Other Considerations

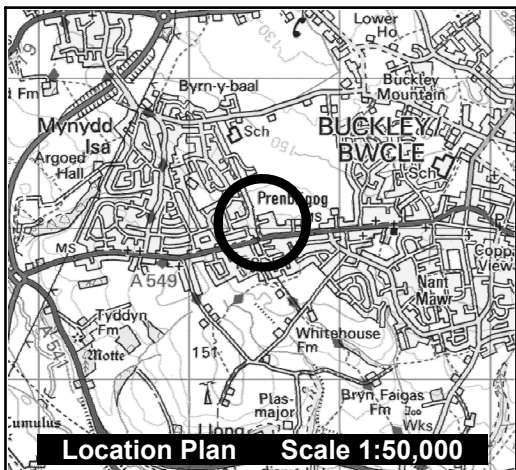
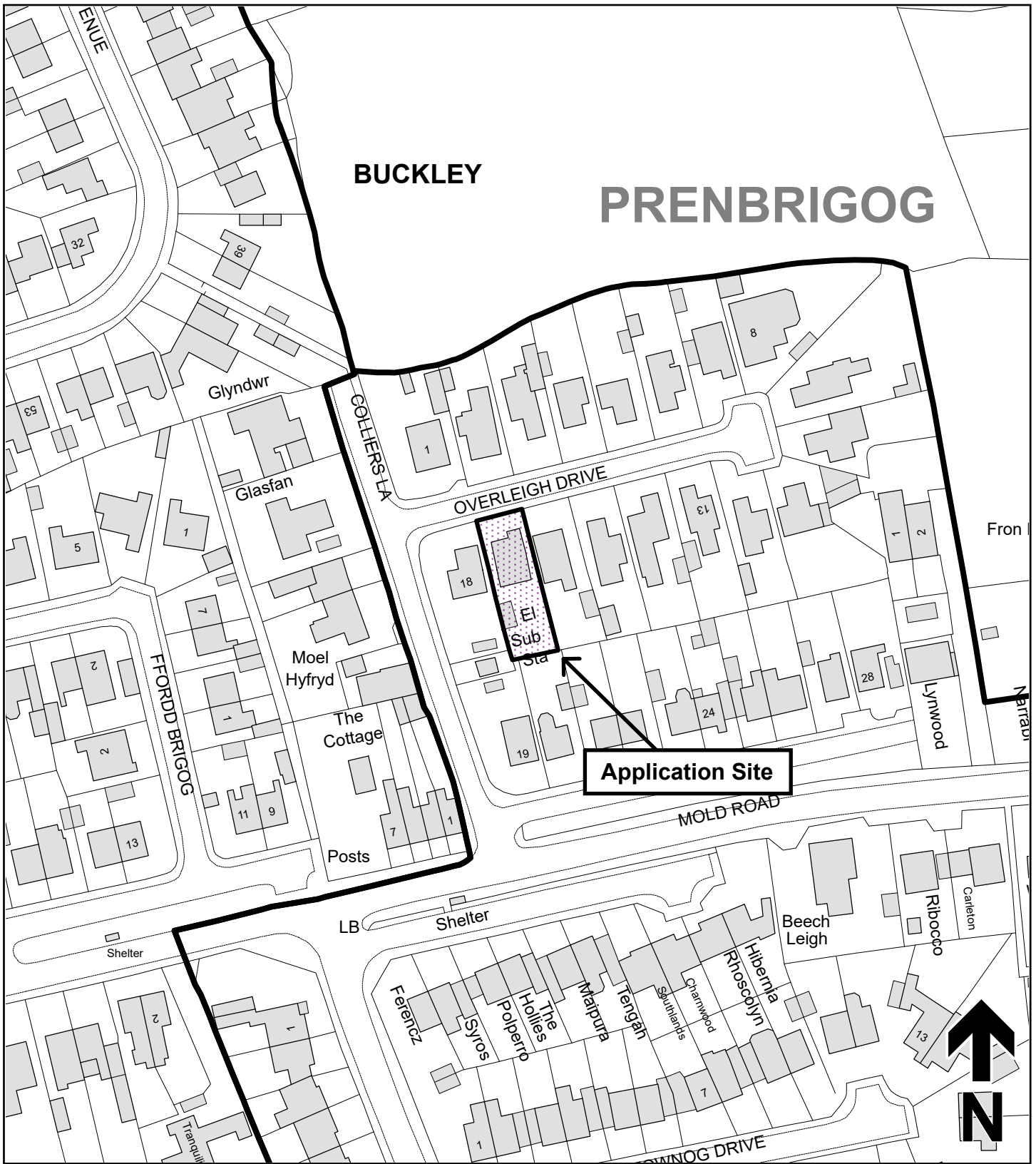
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

- 8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 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: Stacey Wynne
Telephone: 01352 703254
Email: Stacey.wynne@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

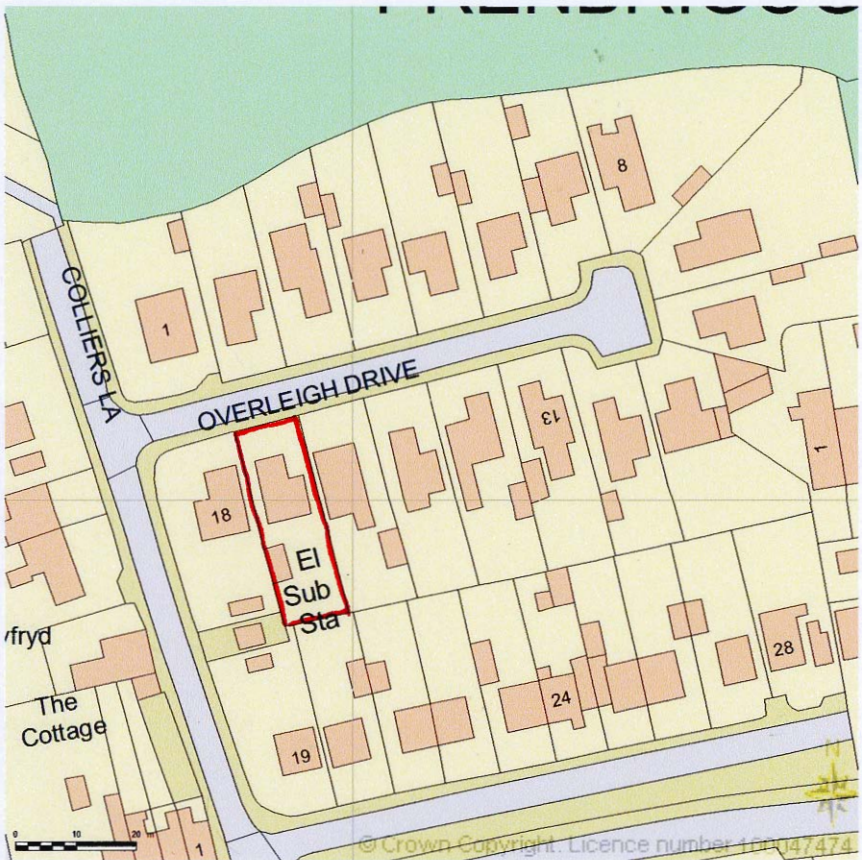
This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Licence number: 100023386.
Flintshire County Council, 2021.

Map Scale 1:1250

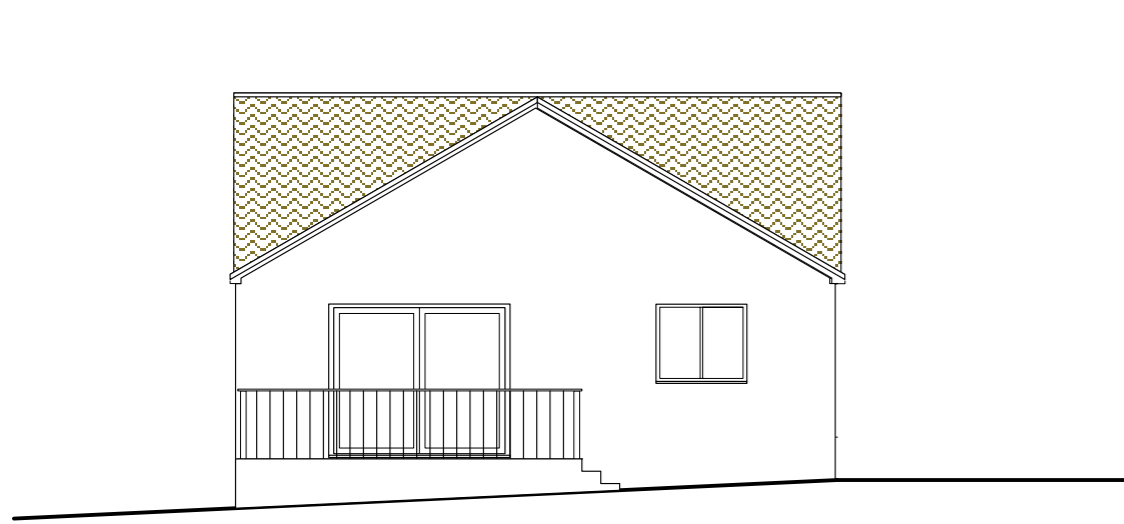
OS Map ref SJ 2663

Planning Application **61817**

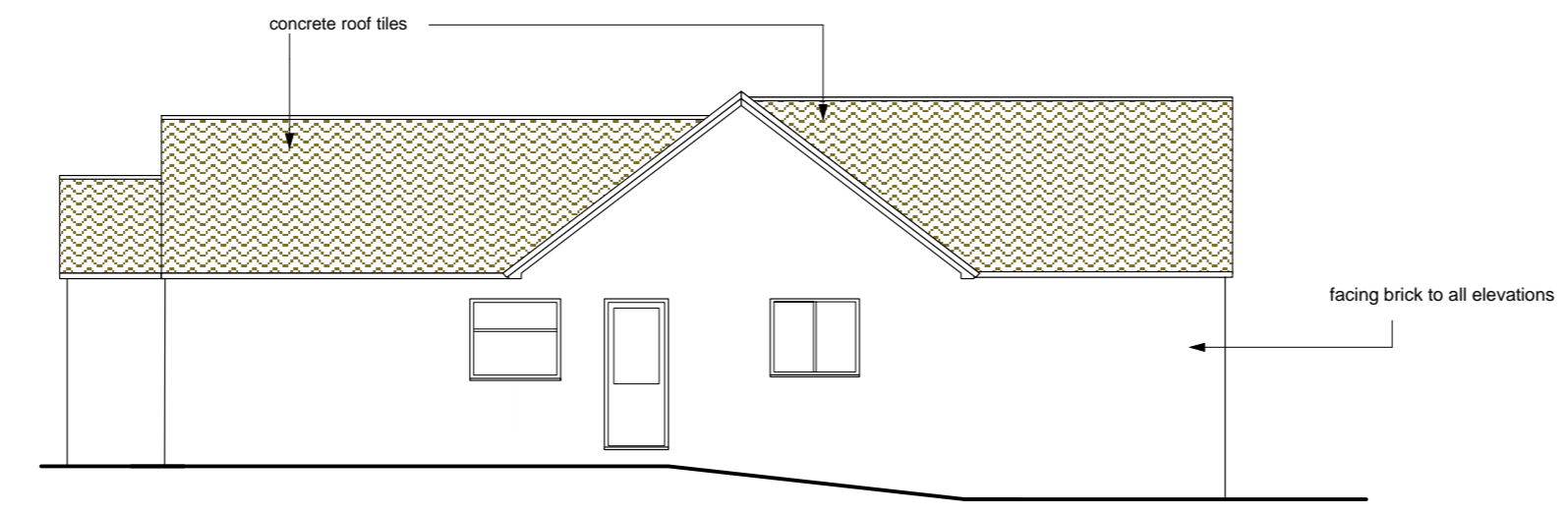
**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 326513, 364011**



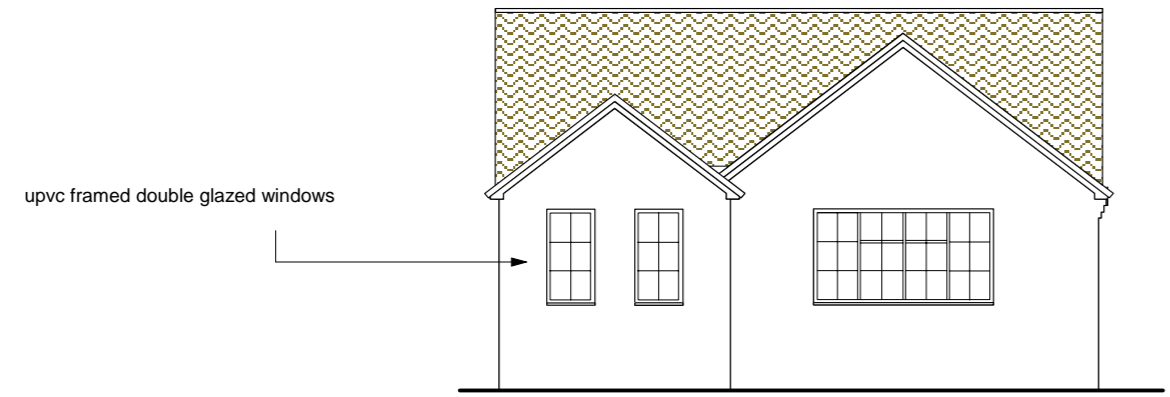
Tudor 100
Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
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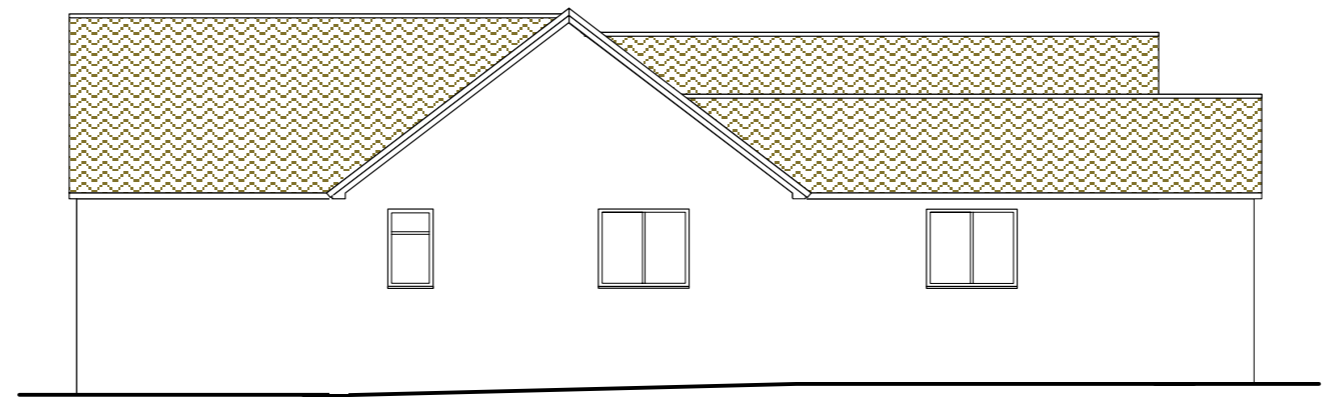
Proposed Rear Elevation



Proposed LHS Elevation

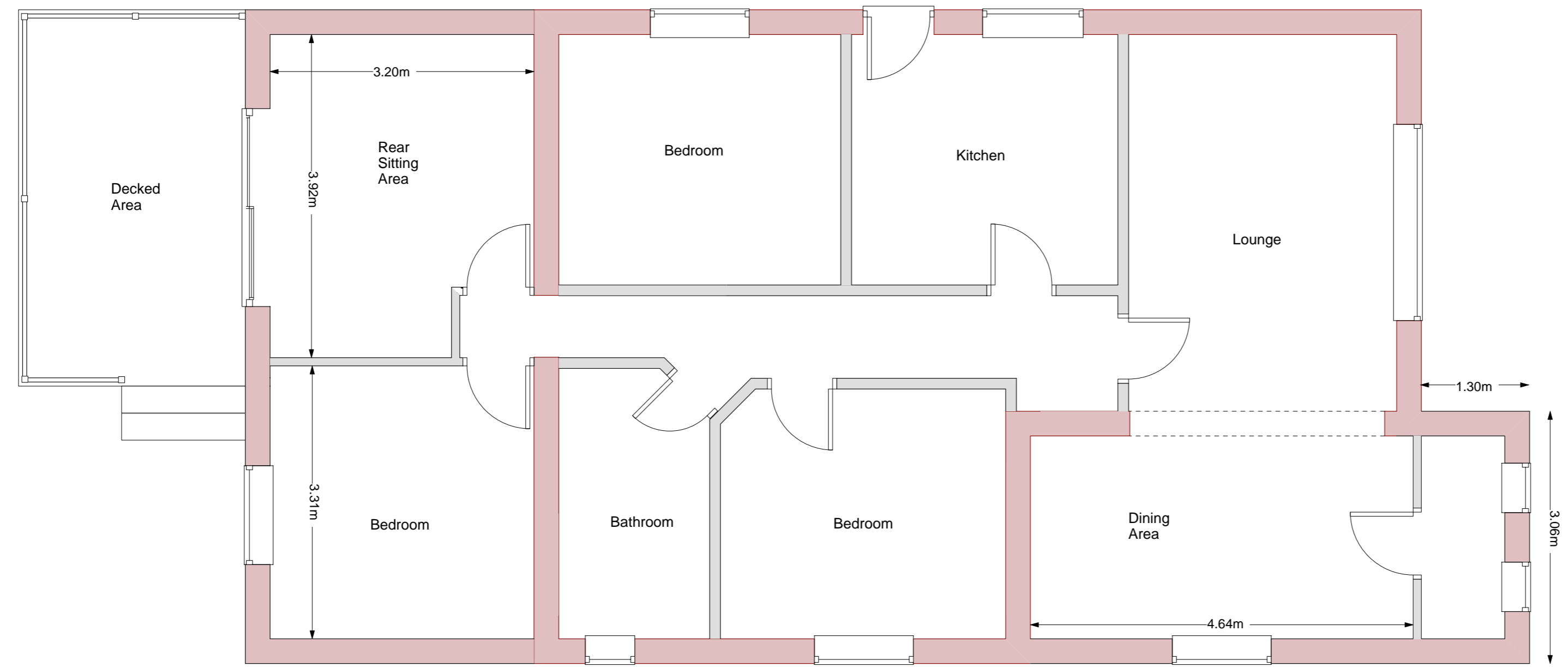


Proposed Front Elevation



Proposed RHS Elevation

Tudalen 101



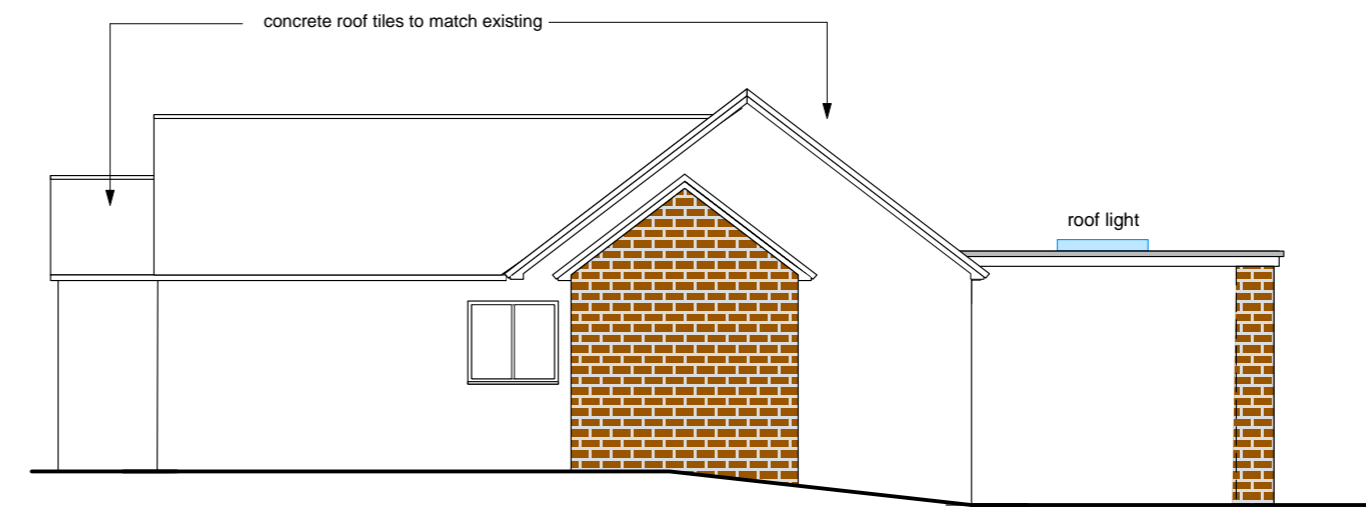
Proposed Plan

Mr. J. Makaruk, 17, Overleigh Drive, Buckley	
Existing Layout as of 2020	
Dwg No. M16/6	Rev.
Scale 1/50, 1/100 @ A2	Date Dec 2020
Drawn by: JNL DESIGN Tel: 07792 595 480	

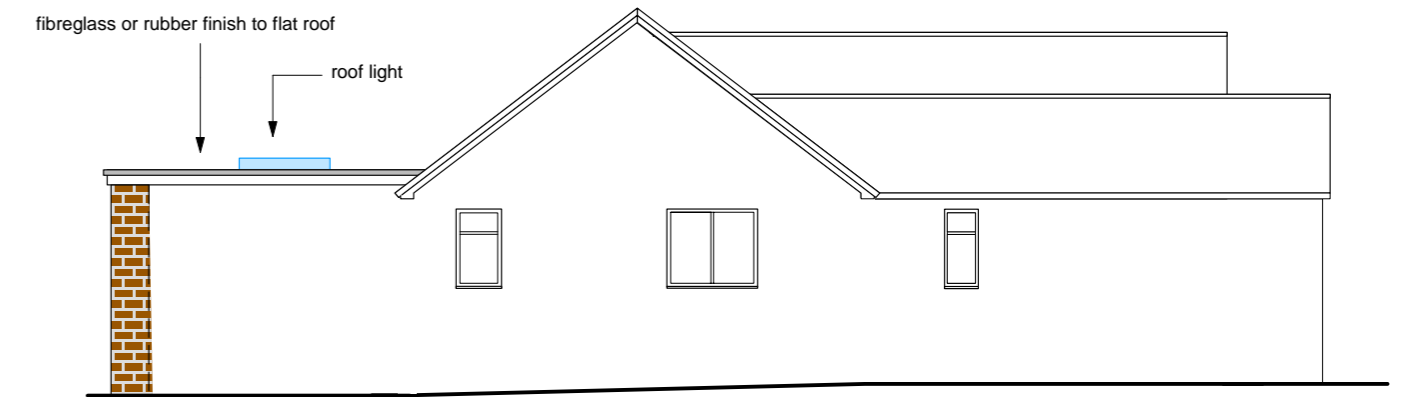


Proposed Rear Elevation

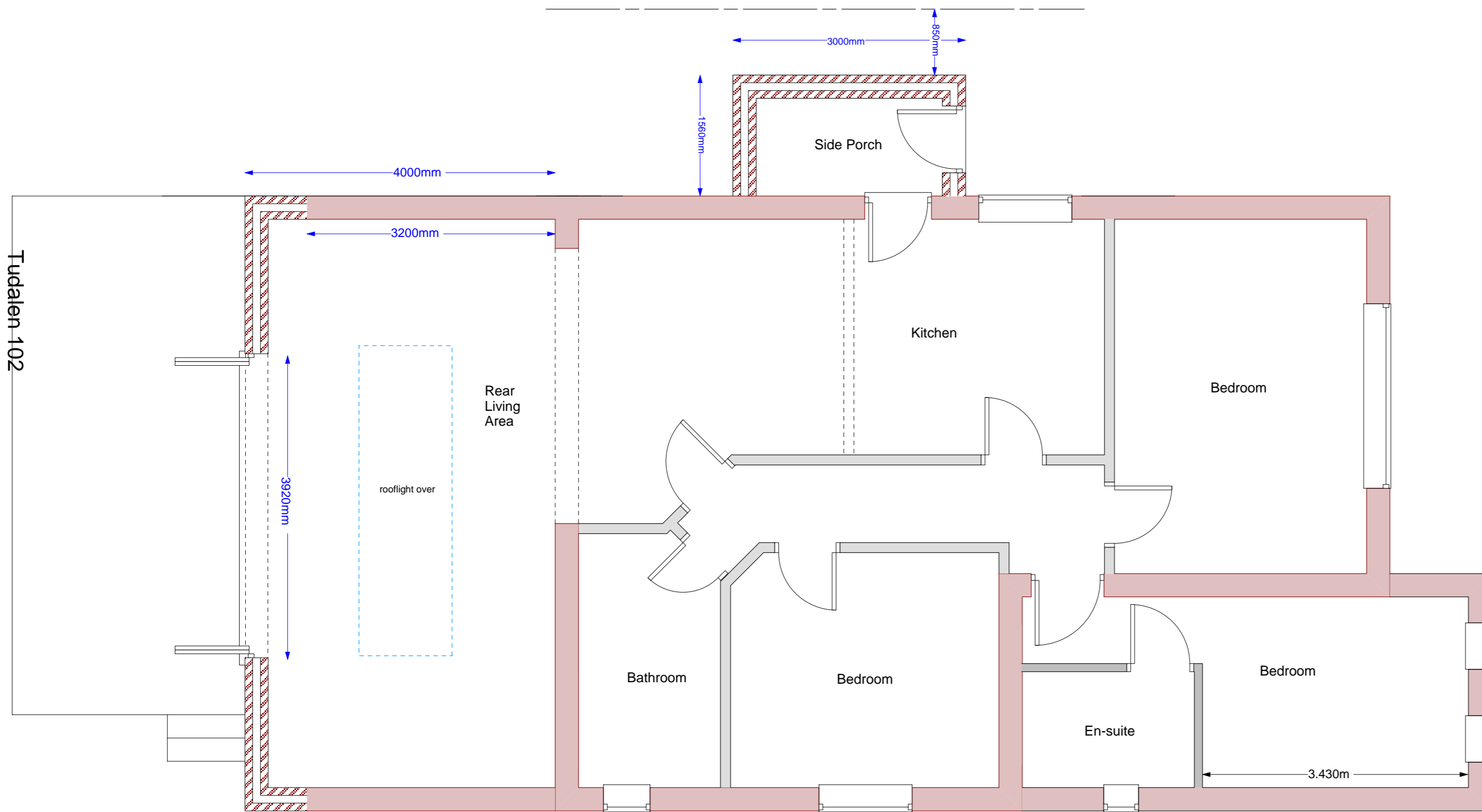
Proposed Front Elevation



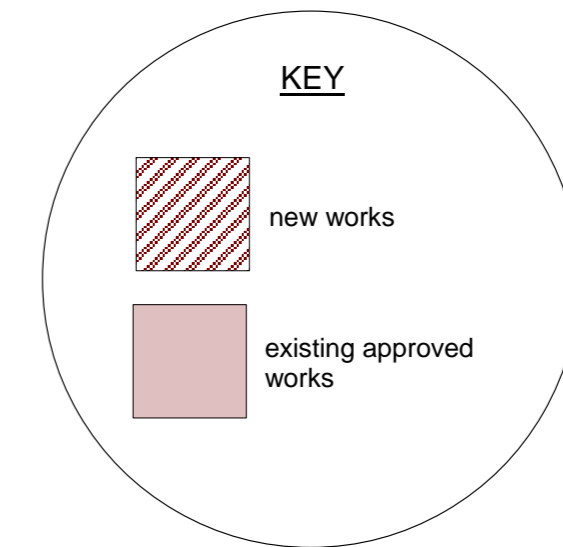
Proposed LHS Elevation



Proposed RHS Elevation



Proposed Plan

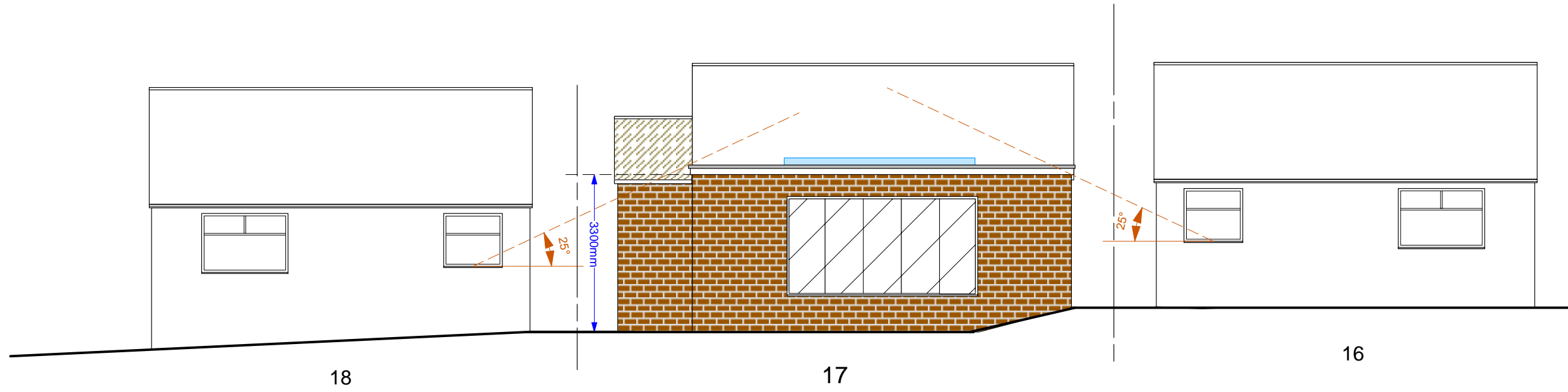


Mr. J. Makaruk,
17, Overleigh Drive,
Buckley

Proposed Premises

Dwg No. M16/7	Rev.
Scale 1/50, 1/100 @ A2	Date Dec 2020

Drawn by: **JNL DESIGN**
Tel: 07792 595 480



Proposed Rear Elevation

Mr. J. Makaruk,
17, Overleigh Drive,
Buckley

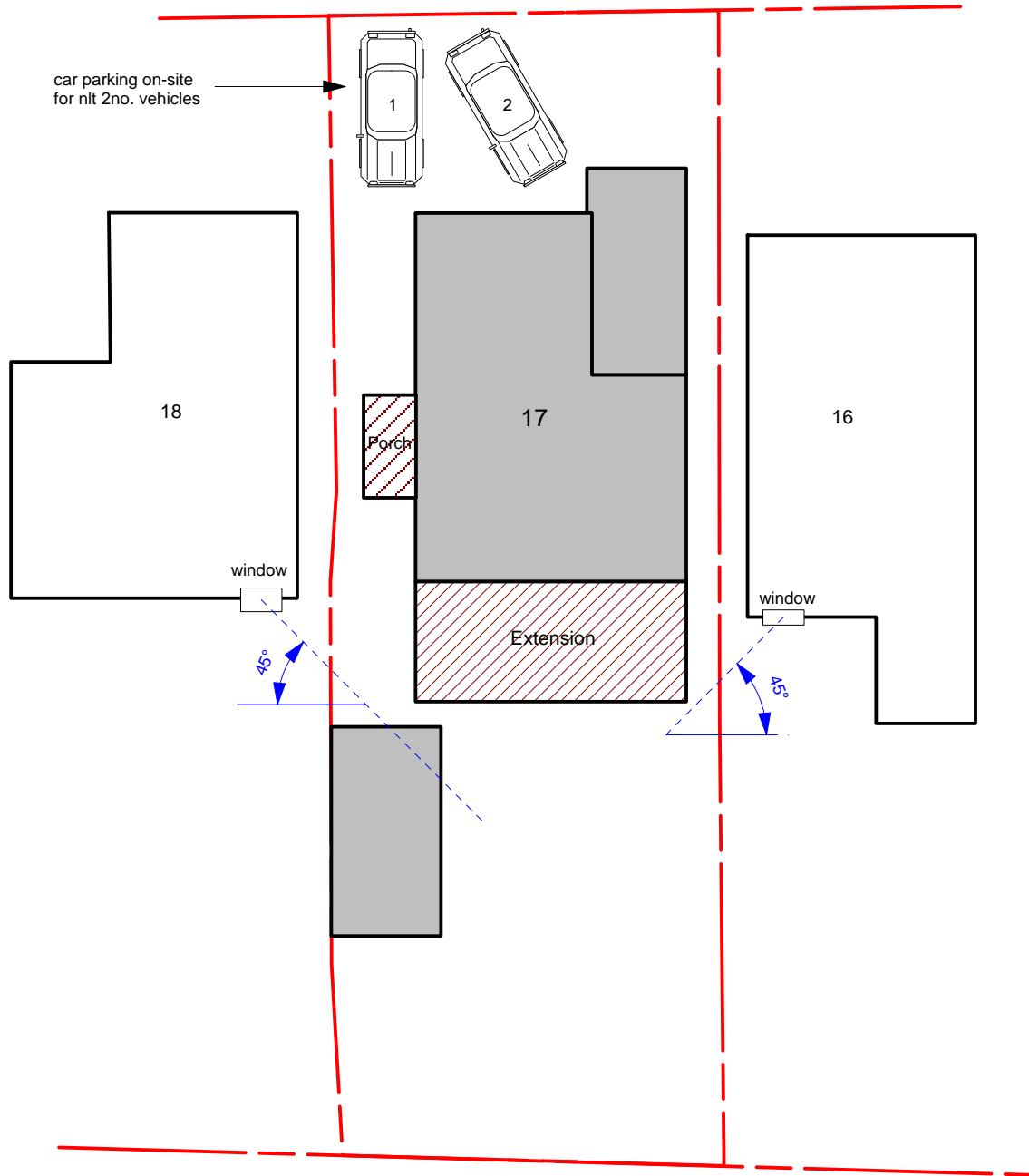
25 Degree Elevation

Dwg No.	M16/7	Rev.	
Scale	1/100 @ A3	Date	Dec 2020

Drawn by: **JNL DESIGN**
Tel: 07792 595 480

OVERLEIGH DRIVE

Tudalen 104



Rev B - Dec 2020 - 45dgs marker shown
Rev A - Oct 2020 - car spaces added

Mr. J. Makaruk,
17, Overleigh Drive,
Buckley

Site Plan

Dwg No.	M16/3	Rev.	B
Scale	1/200 @ A4	Date	Feb 2015

Drawn by: **JNL DESIGN**
Tel:07792 595 480

Statement from neighbour

Dear Sir / Madam

Thank you for your email regarding the above planning application (061817 and 053265).

This application states it is just for the replacement of a flat roof in lieu of a pitched roof, to which I have no objection.

Our main concern is the work previously completed which, to our knowledge, exceeds plans drawn up on 15/02/2015 Ref.053265 (decision date 15/04/2015).

Our main concerns are :-

- the infringement beyond the building line on the frontage of the property
- the depth and height of the extension at the rear of the property
- the insertion of two windows encroaching upon our privacy opposite our main bedroom window

At no point of this construction had we been notified of any extensions to 17 Overleigh Drive, from either the Planning Dept / Flintshire CC / the builders or house holder.

We have been kept completely in the dark at ALL stages of the work. No consideration has been given to any neighbourly concerns whatsoever and we find it most distressing that so much development has been allowed without relevant planning consent / decisions.

Statement from applicant

Please accept this email as my personal statement for the committee review regarding application 061817;

Thanks you for taking the time to review the proposed plans for my property. When I started the building work, I believed we were completing everything to permitted development, so we didn't apply to have the already approved plans altered. Through a council review we learned that we had gone slightly higher than the permitted development parameters. This was an honest mistake, we stopped work straight away and applied for the amended planning approval. we took this opportunity to amend the previously approved plans from a pitched roof to a flat roof. Given the number of rear extensions for the other properties on the road, and to stay in line with our neighbours rear extension, we felt we should make an effort to alter the design so it didn't look out of place.

We would be extremely grateful if you would look favourably on our application, it was not our intention to build outside of guidelines, it was simply human error. Our home will be one of the last properties on the street to complete a large extension. There will be little to no impact for our neighbours given we live on a hill, and below their ground level. all proposed action within the planning application complies with permitted development, with the exception of the one wall being slightly higher than allowed without planning. This would be very difficult to comply with as our garden slopes away.

Statement from Ward Member

Revisions to the original planning application 053265 for the above property were made in December 2019 under drawing number M16/2 Revision A. These are extensive alterations! Under what previous application number were the revision A proposals approved?

The application form for current application 061817 states under description of works only states:

Flat roof to rear extension replacing a previously approved pitched roof (Drawing M16/2 revision B)

The officer planning appraisal for the original application 053265 is flawed, by the omission of important relevant information.

The appraisal states: There is a window proposed in the side elevation, serving the dining room, which faces the flank wall of the neighbouring property (16) and causes no adverse impact.

However, a window was introduced into a bedroom on plan M16/2 under application 053265 which faces an existing window at number 16 Overleigh Drive **which does cause an adverse impact**. This did not form part of the planning appraisal and the adverse impact was not considered. This requires a review under the current application **to remove the adverse impact on number 16. (Plan M16/1 part of application 053265 shows the pre application property with NO window in the bedroom facing number 16)**

Current application 061817 shows plan M16/3 revision B with 45 degree markers shown in relation to the extension. Are the markers shown in relation to the extension 3.2 meters from the original property or the revised 4.0 metres from the original property?. Plan M16/3 requires the extension dimension adding relative to the 45 degree markers.

A front door introduced adjacent to the dining room under application 053265, (replacing an original external door) has subsequently been removed. No external escape route now exists at the front of the property. This is of concern and requires further investigation.

Mae'r dudalen hon yn wag yn bwrpasol