

# Pecyn Dogfen Gyhoeddus

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



At: Cyng David Wisinger (Cadeirydd)

CS/NG

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

28 Mawrth 2019

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Annwyl Syr / Fadam

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal yn **SIAMBR Y CYNGOR, NEUADD Y SIR, YR WYDDGRUG CH7 6NA** am **DYDD MERCHER, 3YDD EBRILL, 2019** am **1.00 PM** i ystyried yr eitemau a ganlyn.

Yn ddiffuant

Robert Robins  
Rheolwr Gwasanaethau Democraidd

## **HYSBYSIAD GWEDDARLLEDU**

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

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

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

## **RHAGLEN**

1 **YMDDIHEURIADAU**

2 **DATGAN CYSYLLTIAD**

3 **SYLWADAU HWYR**

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

I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 6 Mawrth 2019.

5 **EITEMAU I'W GOHIRIO**

6 **MAE 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 EBRILL 2019**

<b>Rhif yr eitem</b>	<b>Cyfeirnod y Ffeil</b>	<b>DISGRIFIAD</b>
<b><u>Ceisiadau sy'n cael eu hadrodd er penderfyniad (A= adroddiad er cymeradwyaeth, R= adroddiad er gwrthodiad)</u></b>		
<b>6.1</b>	057396 - A	Cais i gymeradwyo materion a gadwyd yn ôl ar gyfer codi 40 o dai yn dilyn cymeradwyaeth amlinellol Cyf: 053656 yn Ffordd Rhos, Penyffordd. (Tudalennau 11 - 22)
<b>6.2</b>	059174 - A	Cais Llawn - Estyniadau a newidiadau i Gartref Gofal cyfredol Pen y Bryn i ddarparu 36 ystafell wely newydd (ennill 30) a gofod ychwanegol yn yr ystafell fyw a gwasanaethau yn ogystal â lleoedd parcio ychwanegol yng Nghartref Gofal Pen y Bryn, Fron Deg, Bagillt. (Tudalennau 23 - 36)
<b>6.3</b>	059277 - A	Cais Llawn - Datblygiad o dir priffordd bresennol ar gyfer cyfleuster Parcio a Theithio gydag isadeiledd cysylltiol yn Parcio & Theithio Arfaethedig, Shotwick Road, Sealand. (Tudalennau 37 - 54)
<b>6.4</b>	057006 - A	Datblygiad preswyl yn cynnwys 15 o unedau tai newydd a newid defnydd/trawsnewid cyn Adain Ysbyty Lluesty, Hen Ffordd Caer, Treffynnon yn 14 o randai. (Tudalennau 55 - 76)
<b>6.5</b>	059124 - A	Cais Llawn - Dymchwel annedd bresennol ac adeiladu 3 ty tref a garejis ac adeiladu mynedfa newydd i gerbydau yn Parkfield, Llanasa Road, Gronant. (Tudalennau 77 - 88)
<b>6.6</b>	059428 - A	Cais Llawn - Codi annedd ar wahân a garej (ôl-weithredol) yn yn The Spinney, Huxleys Lane, Yr Hôb. (Tudalennau 89 - 100)
<b>6.7</b>	059431 - A	Cais Llawn - Codi estyniad deulawr yn 15 Priory Close, Penyffordd. (Tudalennau 101 - 108)
<b>6.8</b>	059409 - A	Cais Llawn - Newid defnydd o sefydliad preswyl i 8 fflat un ystafell yn Kingdom Hall, Tuscan Way, Cei Connah. (Tudalennau 109 - 118)

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 4

## **PLANNING COMMITTEE** **6 MARCH 2019**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 6 March 2019

### **PRESENT: Councillor David Wisinger (Chairman)**

Councillors: Marion Bateman, Sean Bibby, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, David Evans, Veronica Gay, Patrick Heesom, Christine Jones, Richard Jones, Richard Lloyd, Billy Mullin and Mike Peers

**APOLOGIES:** Councillors: Adele Davies-Cooke, Carol Ellis, Dave Hughes, Kevin Hughes, Neville Phillips and Owen Thomas

### **ALSO PRESENT:** The following attended as local Members:

Councillor Dennis Hutchinson - for Agenda Item 6.1 (058489)

Councillor Arnold Woolley - for Agenda Item 6.3 (059387)

Councillor David Williams - for Agenda Item 6.4 (059352 - deferred)

The following attended as observers:

Councillors Haydn Bateman and George Hardcastle

### **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

## **56. DECLARATIONS OF INTEREST**

On agenda item 6.6 (058583), Councillor Dunbar declared a personal and prejudicial interest as he was a governor of Wepre CP School which would benefit from an education financial contribution if the application was approved. He would leave the room for that item and not participate in the debate or voting.

On agenda item 6.1 (058489), Councillor Hutchinson indicated that he would be speaking as local Member, and declared a personal and prejudicial interest as he owned land in close proximity to the application site. Councillor Hutchinson had been granted dispensation from the Standards Committee to speak on the item.

## **57. LATE OBSERVATIONS**

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

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MI d=4297&LLL=0>

**58. MINUTES**

The draft minutes of the meeting on 6 February 2019 were submitted and confirmed as a correct record.

**RESOLVED:**

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

**59. ITEMS TO BE DEFERRED**

The Chief Officer (Planning, Environment & Economy) referred to the late observations and advised that the following item was recommended for deferral, to determine whether the education contributions complied with CIL regulations. If agreed for deferral, the item would be brought back to the next available meeting.

**Agenda Item 6.4 - Full application - erection of 32 No. dwellings at Hawarden Road, Penyffordd (059352)**

Councillor Lloyd moved the deferral which was seconded by Councillor Dunbar. On being put to the vote, the item was deferred.

**RESOLVED:**

That agenda item 6.4 (059352) be deferred to the next available meeting of the Committee for the reason stated.

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

**RESOLVED:**

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

**61. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

On commencement of the meeting, there were 19 members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 3.25pm)

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**Chairman**

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

**PLANNING COMMITTEE ON 6 MARCH 2019**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
058489	Buckley Town Council	Outline Application for the Demolition of No. 81 Drury Lane and Construction of Up to 66 Dwellings on land to the rear of 81 Drury Lane, Buckley	<p>Mr. S. Bourne (on behalf of the applicant) spoke in support of the application.</p> <p>Mr. J. Bailey spoke against the application.</p> <p>Having declared a personal and prejudicial interest, and granted dispensation by the Standards Committee, Councillor Dennis Hutchinson spoke against the application.</p>	That planning permission be refused in line with the officer recommendation.
057165	Buckley Town Council	Full Application - Demolition of Existing Buildings and Erection of 13 No. Houses and 4 No. Apartments at Mill Lodge, Mill Lane, Buckley	-	That planning permission be granted subject to the applicant entering into a Section 106 Obligation and the conditions set out in the report, in line with the officer recommendation.

Tudalen 7

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
059387	Buckley Town Council	Outline Application for Residential Development at Megs Lane, Buckley	Mr. D. Forshaw, the agent, spoke in support of the application.  Mr. M. Lewis spoke against the application.  Councillor Arnold Woolley, as local Member, spoke against the application.	That planning permission be refused in line with the officer recommendation.
059352	Penyffordd Community Council	Full Application - Erection of 32 No. Dwellings at Hawarden Road, Penyffordd	-	<b>DEFERRED</b> to determine the outcome of late observations in respect of the education contribution complying with CIL regulations.
059029	Hawarden Community Council	Full Application - Retrospective Application Site Re-Grading to Create a Level Paddock Field for Horses and Siting of a Stable Block, New Native Hedge Planting and Fencing to be Used for Boundary Treatments and Site Security at Ashwood House, Church Lane, Aston Hill, Ewloe	-	That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation.
058583	Connah's Quay Town Council	Full Planning - Construction of 33 No. Dwellings and Associated Works, Following the Demolition of Existing	Having declared a personal and prejudicial interest, Councillor Ian Dunbar withdrew from the meeting for this item.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in



ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
		Dwelling and Outbuildings on land at Broad Oak, Mold Road, Connah's Quay		line with the officer recommendation.
054077	Flint Town Council	Outline Application - Residential Development of 16 Dwellings with Details of Access at Pandy Garage, Chester Road, Oakenholt	-	That planning permission be granted subject to the applicant entering into a Section 106 Obligation and the conditions set out in the report, in line with the officer recommendation.
<b>APPEAL</b>			<b>NOTED</b>	
57737 Buddalen 9		Appeal by Mr. S. Banks Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use of Land for Temporary Storage of Cars and Vans at Wood Farm, Deeside Lane, Sealand - DISMISSED		
058024		Appeal by Mr. C. Walsh Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use and Extension to Dwelling to Form House in Multiple Occupation at 46 Gladstone Road,		

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
		Broughton - ALLOWED		
058147		Appeal by Mr. & Mrs C. Patrick Against the Decision of Flintshire County Council to Refuse Planning Permission for the Formation of Dormer Extensions to Front and Rear of Dwelling at 13 Moorcroft, New Brighton - DISMISSED	Councillor Peers commented that the availability of plan views would be helpful to the Committee in future appeal reports.	

# Eitem ar gyfer y Rhaglen 6.1

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>rd</sup> APRIL 2019**

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

**SUBJECT:** **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 40 DWELLINGS FOLLOWING OUTLINE APPROVAL REF: 053656 AT RHOS ROAD, PENYFFORDD**

**APPLICATION NUMBER:** **057396**

**SITE:** **LAND AT RHOS ROAD, PENYFFORDD**

**APPLICATION VALID DATE:** **15<sup>TH</sup> AUGUST 2017**

**LOCAL MEMBERS:** **COUNCILLOR D T M WILLIAMS**  
**COUNCILLOR C HINDS**

**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 This is a reserved matters application for the erection of 40 residential dwellings on a 1.57 hectare site at Land at Rhos Road, Penyffordd. This application follows the granting of outline consent with access on appeal. The reserved matters for which consent is sought are access, appearance, landscaping, layout and scale.

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

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

The provision of 12 no. affordable homes, namely 6 no. Shared Equity Housing ( 70% Open Market Value with the balance of 30% held by the Council, or other such tenure to be agreed with the Local Planning Authority) and 6 no. Affordable rent, to remain affordable in perpetuity.

1. In accordance with Approved details
2. Materials
3. Acoustic glazing to be provided and retained in perpetuity
4. Erection of acoustic barrier
5. Finished Floor Levels
6. Groundworks and scrub clearance to be carried out using standard GCN RAMs.

If the Obligation pursuant to S106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given the delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor D Williams

Insufficient affordable housing provision  
More socially acceptable layout required  
School contributions, should ask for contributions for new primary school  
Acceptability of three storey dwellings. Not appropriate

#### Councillor C Hinds

I feel the whole of Penyffordd needs to be taken into consideration highwaywise. A fast by-pass adjoins this site and on entering Rhos Road the entrance is not far off on the left hand side. Potential for a serious accident.

I advocate that on every application a pair of semi bungalows need to be put on for disabled people. Also the lower end of the scale for youngsters to buy or rent should outweigh the higher end.

#### Penyffordd Community Council

Object strongly to this development and wish it to go to Planning committee where a full and detailed response will be provided:

#### Highways Development Control

Conditions 3,5,6,7,8,9,and 10 should be carried forward from Outline consent

Issues that were previously raised in relation to access to Plots 9-16

and parking for plots 39 and 40 have been adequately addressed.

#### Community and Business Protection

Recommends conditions for the erection of an acoustic barrier and enhanced acoustic glazing.

#### Housing Strategy

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. As of March 2019 there is the following level of need for affordable housing (i.e affordable ownership and rent) in Penyffordd:

	Affordable Rent	Affordable Ownership
2bed	4	6
3bed	7	9

The applicants proposal of 6 shared equity units and 6 affordable rent units is acceptable.

#### Welsh Water/Dwr Cymru

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Dwr Cymru Welsh Water has no objection to the proposed development as the site is outside Dwr Cymru Welsh Water water supply area.

### **4.00 PUBLICITY**

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

53 Letters received, raising the following concerns:

- Need for adequate car parking
- Loss of privacy due to playground extension
- Great crested newts have been found previously at entrance to playground
- Affordable housing
- Housing mix not in accordance with policy
- Should not have three storey dwellings- Penyffordd Place plan
- No school places in either primary or secondary for new residents
- Open space inadequate
- Layout not cohesive to community- isolated site disconnected from community
- Social cohesion on site
- Drainage issues

- Traffic issues
- Penyffordd has been overdeveloped
- Premature before LDP process completed and Penyffordd place plan adopted
- Unsustainable given current infrastructure in village
- Land drainage issues
- Loss of light
- Ecological issues
- Loss of Trees

## **5.00 SITE HISTORY**

- 5.01 053656- Outline - Erection of up to 40 no. residential dwellings with associated access. Refused 21<sup>st</sup> January 2016 Allowed on appeal 15<sup>th</sup> August 2016

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 – Housing

STR8 – Built Environment

STR10 - Resources

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 Woodland

WB1 – Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG 9 – Housing Mix and Type

HSG11- Affordable Housing in Rural Areas

SR5 - Outdoor Playing Space and New Residential Development

EWP3 – Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16- Water Resources

Local/Supplementary Planning Guidance Notes

LPGN 2 – Space around dwellings

LPGN 4 – Trees and Development

LPGN 9 – Affordable Housing

LPGN 11 – Parking Standards

LPGN 13 – Open Space Requirements

SPG23 – Developer Contributions to Education

## **7.00 PLANNING APPRAISAL**

### **7.01 Proposal**

This application is for the reserved matters of a development of 40 dwellings at land off Rhos Road, Penyffordd. Outline planning permission was granted on the site, including details of its access, on appeal.

The site lies outside, but abutting, the settlement boundary as defined in the Flintshire Unitary Development Plan. The application site is 1.57 hectares and is located on the edge of the village of Penyffordd. It is bounded immediately to the west by the A550 which links to the A55 with a mature hedgerow. To the north east and east is the existing residential development in Penyffordd on Ffordd Derwen and the existing dwellings at Rhos y Brunner Farm which are served by an existing access off Rhos Road. To the south of the site it is bounded by Rhos Road. To the north east adjacent to the corner of the development site is an existing equipped children's play area.

#### **Main Issues**

As the principle of residential development and its access has been approved the main issues are considered to be appearance, landscaping, layout and scale. With particular regard to design, affordable housing provision, housing mix and proposed and existing living conditions. Also further matters raised by third parties regarding drainage and internal highway access shall be addressed.

#### **Planning History and Principle of Development already approved**

The outline planning application reference 053656, was refused on 21<sup>st</sup> January 2016 by the Planning Committee on the basis that there was no capacity in the foul drainage network and the uncertainty this gave to the deliverability of the site. Following the refusal a Hydraulic Modelling Assessment was completed through Dwr Cymru Welsh Water which identified three options to resolve any potential detriment to the network.

The applicant appealed against the decision of the Council to refuse the application and it was considered that with the water resource issue now overcome, and in the absence of a five year housing land supply, that the proposal was acceptable and the Inspector therefore allowed the appeal and granted planning permission subject to conditions.

Concerns have been raised by local residents, the community council

and local members regarding matters of principle with particular regard to the cohesiveness of the community, the sustainability of residential development in this location and the general principles surrounding further residential development in this settlement. These matters of principle were considered by the Inspector during the appeal process. The outline consent establishes the principle of development as acceptable on this site and any subsequent changes in legislation or regulation cannot be retrospectively applied to the outline consent. This application deals with matters of detail in relation to the outline consent. It is not considered that matters of principle should be considered at this stage and therefore very little weight can be attributed to the cohesiveness of the community or the general principles of further residential development in Penyffordd.

**Matters for Consideration;**  
**Appearance**

The proposed dwellings are brick faced with slate grey roof tiles. This is appropriate and in keeping for the area and immediate surroundings and reflects the local vernacular.

Concerns have been raised over three storey nature of some of the proposed dwellings. It is the case that some of the house types have rooms in their roof space, however ridge heights are not excessively tall. The tallest dwelling, House type B, which has an integral garage, is 10 metres to the ridge height. House types E and F have a maximum height of approximately 9 metres. The remaining house types have a ridge height of a little over 8 metres. Eaves heights are consistent throughout the development. These heights are comparable to the variable ridge heights of nearby dwellings. A condition requiring the approval of finished floor levels will be imposed to ensure that plots on the site are not overly dominant or adversely impact upon the privacy of neighbouring properties.

The community have produced a 'Penyffordd Place Plan' (PPP) which contains the strategic aims and objectives for the development of the village as a whole as well as general design principles to be considered when assessing new development in the settlement. This place plan has not been adopted as a Planning Policy and therefore the Council are reliant on design policies within the adopted UDP.

It is considered the house designs and the overall appearance of the proposal to be appropriate as it creates positive and attractive building alignment and frontages and adequate provision has been made for space around buildings with appropriate use of materials.

**Landscaping**

The site is currently an area of scrub and grassland. There is a large tree in the centre of the site although most trees on the site are on its



periphery within the site boundary hedging. The proposal includes the loss of the tree in the centre of the site, as it is located in the middle of the proposed spine road, as well as another on the site frontage which interferes with one of the housing plots.

The majority of existing hedging on the site boundary is to be retained. Landscaping details submitted include the retention of the majority of boundary hedgerows, in accordance with the Inspectors decision which noted the importance of these features both from an ecological point of view as well as for the landscaping and screening that they provide.

It is considered that the proposed landscaping is appropriate for the scheme. It maintains the integrity of the existing hedges and protects existing trees where possible in accordance with adopted policy.

### **Layout and Scale of Development**

The development proposed a mix of 2, 3 and 4 bedroom properties within the development. The layout mixes these properties throughout the scheme to create a varied and attractive layout.

The dwellings have sufficient distance as required by SPGN 2 – Space Around Dwellings’ between them and neighbouring properties on Ffordd Derwyn. Whilst some concerns have been raised with regards to a loss of privacy and overshadowing impacts upon existing residential living conditions I do not consider that the proposal will give rise to any such negative impacts given the distances that can be achieved and the available landscaping on the site boundaries and the landscaping conditioned, and I consider the proposed layout to be acceptable.

The number of dwellings was considered at outline stage and this reserved matters application has been applied for within the parameters of that in principle decision. With regard to density this proposal provides 40 dwellings on a site of 1.57 hectares, which represents a density of approximately 25 dwellings per hectare, although a proportion of the site is taken up with the public open space.

It is considered the scale and density of the development to be appropriate, and to represent an efficient use of land in accordance with the relevant policies.

### **Affordable Housing**

The unilateral undertaking (UU) attached to the outline planning permission required an affordable housing scheme to be submitted with the reserved matters application. In the schedule attached to the UU several options for the scheme were outlined. These options were:

Option 1. 30% of the dwellings to be shared equity units to be sold at

70% of the open market value with the Council holding a second charge.

66% of the shared equity units shall be 3 bedroom Dwellings and 34% of the shared equity units shall be 2 bedroom Dwellings

Option 2. The provision of a number of 3 bedroom homes to be gifted to North East Wales Homes Limited for intermediate retail. The number of homes to be agreed with the Council.

Or Option 3 any other scheme for delivering affordable homes that complies with planning policy and is agreed in writing between the Owner and the Council.

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. As of March 2019 there is the following level of need for affordable housing (i.e affordable ownership and rent) in Penyffordd:

	Affordable Rent	Affordable Ownership
2bed	4	6
3bed	7	9

In negotiations between Housing strategy, the applicants and the Local Members the proposal provides for 12 affordable homes, split between 6 Affordable rent 2 and 3 bed dwellings, and 6 Shared equity homes, which are again both 2 and 3 bedroom dwellings. This equates to a 30% provision within the site. The developer has already engaged with a Housing Association to deliver the affordable rented units. I consider that this complies with the third option within the Unilateral Undertaking as well as the applicable planning policy. Housing Strategy are supporting the application.

In order to ensure that the affordable housing provides is retained as such in perpetuity it is recommended that the reserved matters permission is dependant on the applicant entering into an additional Section 106 agreement or unilateral undertaking, as set out in paragraph 2.01.

### **Access**

Concerns have been raised regarding the adequacy of the access.

Access was a matter which was approved as part of the outline planning permission. As such the principle of the access to Rhos road has already been established.

Parking concerns have been raised by a third party. It is considered that the proposed layout provides an appropriate level of car parking

clear of the highway for the size of development in both garages and private driveways.

Pre-commencement conditions were imposed upon the Outline permission regarding various highways issues, including the submission of a construction management plan. It is a requirement of the development that these conditions are discharged prior to the commencement of development.

### **Other matters**

The outline permission dealt with issues such as public open space and education contributions. Both of these items were covered in the unilateral undertaking.

There is an existing play area to the rear of the adjacent site and this is to be extended by the current proposal. As such the site opens up at its northern end to allow the new area to be integrated into the existing facility. This also assists in creating permeability between the sites. I consider this to be acceptable and in accordance with the relevant planning policies regarding public open space provision.

With regards to drainage issues on the site. Whilst Welsh Water have raised no objection in principle to the application for the approval of reserved matters there is still a requirement to discharge outstanding conditions on the outline consent with regards to the foul and surface water drainage solutions for the site.

Given the location of the site on the edge of the settlement bounded by a busy road it has been identified that a 2.2metre high acoustic fence is required on the site boundary to mitigate against noise impacts, for the amenity of the residents of the development. Details of the fence are to be agreed and thereafter implemented prior to the occupation of the dwellings.

Issues of ecology were also dealt with at outline stage. These were all matters that the Planning Inspector dealt with by the imposition of conditions that are required to be discharged prior to the commencement of development. As a two part permission these conditions are still applicable and require formal discharge following the approval of the reserved matters.

Concerns regarding Great Crested Newts (GCN) were raised by a member of the public. The nearest GCN records are to the west of the railway line approximately 500metres from the site. Given the potential impact of the development to this European protected species it has been recommended that vegetation clearance and groundworks undertaken follow standard GCN reasonable avoidance measures (Reasonable avoidance measures) and should GCNs be found on site then an appropriate license obtained from Natural Resources Wales.

## **8.00 CONCLUSION**

It is considered that the reserved matters under consideration are acceptable and consistent with the previously approved Outline planning permission. Pre-commencement conditions previously imposed on the Outline permission will allow for the few remaining technical details to be satisfactorily met prior to development commencing. The proposed development is in accordance with the Flintshire Unitary Development Plan policies and as such I recommend accordingly.

### **8.01 Other Considerations**

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

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

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

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

#### **LIST OF BACKGROUND DOCUMENTS**

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

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Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.2

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>RD</sup> APRIL 2019**

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

**SUBJECT:** **FULL APPLICATION – NEW BUILD EXTENSIONS AND ALTERATIONS TO THE EXISTING PEN Y BRYN EMI RESIDENTIAL TO PROVIDE 36 NO. BEDROOMS AND ADDITIONAL LOUNGE SPACE AND SERVICES, TO INCLUDE ADDITIONAL CAR PARKING AT PEN Y BRYN EMI RESIDENTIAL, FRON DEG, BAGILLT**

**APPLICATION NUMBER:** **059174**

**SITE:** **PEN Y BRYN EMI RESIDENTIAL, FRON DEG, BAGILLT**

**APPLICATION VALID DATE:** **22<sup>ND</sup> NOVEMBER 2018**

**LOCAL MEMBERS:** **COUNCILLOR M A REECE**

**TOWN/COMMUNITY COUNCIL:** **BAGILLT COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST DUE TO CONCERN ABOUT ACCESS**

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

### **1.00 SUMMARY**

1.01 This is a full planning application for the extension, alteration and demolition of the existing Pen y Bryn EMI Residential Home to provide 36 no. new bedrooms, additional living space, car parking and associated infrastructure on land at Pen y Bryn EMI Residential, Fron Deg, Bagillt.

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

2.01 That conditional planning permission be granted subject to:

Conditions

1. Time commencement
2. In accordance with plans
3. Materials to be submitted and approved
4. Scheme for Hard and Soft Landscaping and implementation
5. Facilities for parking, turning loading and unloading
6. Positive means to prevent surface water run-off onto highway
7. Condition Survey of the Top Hill approach road
8. Construction Traffic Management Plan
9. Full Travel Plan & Transport Implementation Strategy to be submitted and approved prior to first use
10. Details of surface water disposal to be submitted and approved
11. No surface water and/or land drainage allowed to connect directly or indirectly with the public sewerage network

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor M A Reece

Requests the application be heard at planning committee for concerns of highway safety. A site visit is also requested.

Bagillt Community Council

Objects to the proposal upon the following grounds:

- The development is inappropriate for the area and the plans have no consideration for the local residents.
- Poor road access and roads very narrow.
- It would create even more cars using the road therefore increasing the volume considerably.
- Cars already speed on this road therefore this development will only add to the problem.
- No drains for storm water, so unsuitable drainage for the development.

Head of Assets and Transportation

No objection subject to conditions:

- Facilities for parking, turning loading and unloading
- Positive means to prevent surface water run-off onto highway
- Condition Survey of the Top Hill approach road
- Construction Traffic Management Plan
- Full Travel Plan & Transport Implementation Strategy to be submitted and approved prior to first use

Community and Business Protection



No adverse comments to make.

Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (January 2019) based on the professional opinion of Sladen Associates are sufficient for the purposes of the planning system and complies with PPW10 in demonstrating that the application site can be made, safe and stable for the proposed development. In light of the Report, the Coal Authority withdraws its original objection to the proposed development.

Welsh Water/Dwr Cymru

Welsh Water have assessed the proposal and note the developer proposes to dispose of foul flows via the public sewerage system. Welsh Water request a condition is imposed in relation to the control of surface water.

Natural Resources Wales

No objections.

Public Rights of Way (PROW)

Public Footpath 12 abuts the site but appears to be unaffected by the proposed development. The path must be protected and free from interference during construction.

Emergency Services:

Betsi Cadwaladr (NHS)

No response at time of writing.

North Wales Fire Service

The Fire Authority has reviewed the details submitted and raise no objections. Access to the properties along Fron Deg to include the nursing home can be achieved by priority vehicles.

**4.00 PUBLICITY**

4.01 Press Notice, Site, Notice, Neighbour Notification

The application was advertised by way of press and site notice.

13 no. letters of objection upon the following grounds:

- Condition of the access road up to the care home and neighbouring properties is poor
- Surface water runs down from the top of Top Hill and floods the road at the bottom
- Road is treacherous after extreme cold/winter weather
- The existing access is too narrow – 1 car width
- The existing access does not have pavements or passing places and there is concern of pedestrian safety

- Increase in traffic
- Increase in the risk of RTCs
- Increased difficulties for Emergency Services to access
- Construction vehicles will damage the existing access road
- Increase in noise and disruption during construction and operation
- Proposed development will lead to the creation of a 'cottage hospital'
- Insufficient parking provided
- Impacts access to the PROW

## **5.00 SITE HISTORY**

5.01 051331 Discharge of condition no.8 (intrusive site investigation works of the coal mining legacy) attached to planning permission ref: 050472. Approved 05.11.13

050812 Discharge of details relating to condition no.8 of planning permission ref: 050472 for the extension to a residential home and relating to intrusive site instigation works in regards to the coal mining legacy. Refused 10.07.13

050472 Extension to existing residential home. Approved 05.04.13

048346 Erection of link extension and alterations to existing care home. Approved 11.07.11

040988 Erection of a kitchen extension and new residents lounge. Approved 23.03.06

036125 Erection of a single storey day care centre. Approved 16.12.03

035512 Side extension to day-care centre and change of use of garage to chapel of rest/office/utility. Withdrawn 08.12.03

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 STR1 New Development  
 STR2 Transport and Communication  
 GEN1 General Requirements for Development  
 GEN3 Development Outside Settlement Boundaries  
 D1 Design Quality, Location and Layout  
 D2 Design  
 D3 Landscaping  
 D4 Outdoor Lighting  
 L1 Landscape Character  
 AC2 Pedestrian Provision and Public Rights of Way

AC13 Access & Traffic Impact  
AC18 Parking Provision and New Development  
EWP12 Pollution  
EWP13 Nuisance  
EWP15 Development of Unstable land

SPGN no. 2 Space around Dwellings  
SPGN no. 11 Parking Standards

**Planning Policy Wales Edition 10 (December 2018).**

TAN 12 – Design  
TAN 18 - Transport

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for the extension, alteration and demolition of the existing Pen y Bryn EMI Residential Home to provide 36 no. new bedrooms, additional living space, car parking and associated infrastructure on land at Pen y Bryn EMI Residential, Fron Deg, Bagillt.

7.02 Site Description

The site extends for 0.47ha and comprises the existing Pen Y Bryn Residential Home situated on Fron Deg, Bagillt, Flint. The application site has a sloping topography which rises steadily from the road to the gardens at the rear, with its boundaries bound by post and wire fencing and hedgerow planting. Open countryside lies beyond the northern boundary. The home is located in extensive landscaped grounds and comprises the existing converted farmhouse and a number of single, two and three storey extensions situated to the front, rear and side.

7.03 Pen y Bryn EMI operates as a family run residential home which specialises in early stage Dementia and Alzheimer's. The home is well established in providing elderly mental health care and respite, and also provides day care services and activities for those who are still able to live in their own home, this is a valuable service which places the importance on ensuring individuals retain their independency during early onset. The home currently provides 30 no. bedrooms, lounge and dining space, along with kitchens, wash rooms, staff facilities and associated services. The home also has a parking area along its southern boundary, providing 11 no. car spaces.

7.04 There are three elements to the existing building. The two storey farmhouse, a pitched roof bungalow and a side extension which was constructed in 2013 to link the two elements. This extension is three storey in height, the lower level aligns with the pavilion whilst the

upper two levels align with the farmhouse. This alignment is helped by the sloping nature of the site, which requires the buildings to sit within the landscape, ultimately reducing the impact of their scale and presence.

7.05 Access to the Care Home is gained from a single tracked road, known as Fron Deg which is served off High Street, Bagillt.

7.06 Proposed Development

The proposed development would involve the demolition of a single storey conservatory to facilitate an extension to the front elevation of the bungalow to provide a larger dining area. The two single storey, flat roof outriggers to the rear would also be demolished to facilitate the proposed extension, which will provide 36 no. new bedrooms, day room and dining space, kitchen and staff facilities. The existing and proposed building would provide a total 60 no. bedrooms specifically tailored to meet the needs of residents who are adjusting to living with Dementia.

7.07 The new build rear extension will be three storeys in height, similar to that of the 2013 extension. The development will require ground excavations to create a level platform for the development, allowing the extensions and existing building to link as one entity. The new build extension will have two levels which align with the ground and first floors of the farmhouse. Level 1 of the proposed extension will align with the ground floor of the 2013 building. Level 2 is set at external ground level at the rear of the site and aligns with the first floor of the 2013 extension. Level 3 aligns with the first floor of the farmhouse and the second floor of the 2013 extension.

7.08 The proposed extension and new bedrooms have been arranged as three wings in a U shaped plan which encloses a courtyard, providing a safe outdoor space for residents.

7.09 The proposed materials include white render and red brick walls, accompanied by grey roof tiles. The proposed palette is considered to be in keeping with the other buildings on the site, uniting the proposed structure with both the farmhouse and the newer additions.

7.10 Access to the site will continue to be served from Fron Deg. The proposed development will also include the extension of the existing parking area which currently provides 11 no spaces. Parking spaces are to be increased to 22 no. spaces, with three spaces to be allocated for disabled users.

7.11 Principle of Development

The site lies outside and adjacent to the settlement boundary of Bagillt in the adopted UDP. In terms of adopted UDP policies, policy STR1 refers to the requirements of new development, while policy GEN3 sets out those instances where development may take place

outside of settlement boundaries. In this case it can be argued that the proposal relates to criteria c) and g) as the proposal involves the extension and adaptation of an existing facility which falls within Use Class C2 'Residential Institutions'. Criterion g) continues to state that development related to institutional establishments will be permitted provided there is no unacceptable impact on the social, natural and built environment. The principle of development is therefore considered to be acceptable provided there are no adverse impacts demonstrated as a consequence of the proposal.

7.12 Character & Appearance

The Residential Home is a long standing local facility which is situated amongst a group of dwellings that travel along Fron Deg, where it terminates. The land rises steeply in this location, with the home situated at the top, also referred to as Top Hill. By nature of the local topography, the home is considered to be in a prominent location, with the front elevations of the home comprising the bungalow and former farmhouse being most visible. This aspect experiences vast views which extend towards the coast. The former farmhouse, although not a building of local interest or heritage, is considered to possess features of architectural merit, through its symmetry and decorative exterior. It is this elevation which has pleasing character.

7.13 The home has been subject to a number alterations to include the most recent 2013 side extension (south elevation), which comprises three storeys and rises behind the bungalow. At the time, it was considered that the extension would not give rise to a detrimental impact upon the open countryside, as the existing building is set within extensive grounds and relates to an existing group of dwellings. The extension would therefore assimilate with the existing built form. The time lapse in this case is beneficial, as it allows for an assessment of the planning balance afforded to the previous extension. Having visited the site I consider the judgement to be an accurate reflection of how new development can be appropriately designed and positioned, so as to not interfere with the existing built character which remains distinguishable.

7.14 The proposed scheme would see the demolition of two single storey elements to facilitate an extension to the rear of the site. The extension would sit closely behind the buildings away from the public highway, to avoid disrupting the views of the existing frontage. The proposed development has been designed in a compact arrangement to encourage a close knit relationship with the built form, minimising the sprawl of development and retaining the meadow to the rear.

7.15 The layout and form of the proposed development is similar to the previously approved scheme in terms of its siting and orientation within the site, the architectural style of the building/s, and the component parts of the development. The siting and orientation of the proposed buildings respects and complements the existing built

pattern and provides an attractive outlook for residents to both the coastline and open countryside beyond. However, the scale of the current proposal is greater than previously considered.

- 7.16 The local topography is an advantage in this case, as there is a need to excavate the land to create a flat, workable platform. As a result, the land level drops and the proposed development of three stories would sit in line with the two storey Farmhouse. Whilst this reduces the proposed development impact, it also creates uniformity and rhythm. By focusing the proposed development to the rear of the site, the farmhouse maintains its dominance when approaching the Residential Home off Fron Deg, and the proposed extension although greater in size appears subservient. I consider the proposed development to be commensurate with the size and extent of the land holding to which the Residential Home sits, without adversely impacting upon the open countryside and neighbouring properties. The proposal will in time assimilate with the existing built form, with the use of similar materials reinforcing this.
- 7.17 Whilst a detailed landscaping scheme does not form part of the submitted details, the requirements and delivery of appropriately landscaped spaces can be adequately controlled through the imposition of conditions. It is considered that an appropriate landscaping scheme will also help to maintain the rural feel of the site.
- 7.18 Highways  
The site will continue to be served by the existing access off Fron Deg. This access was improved as part of the 2013 extension, which comprised a new parking area and turning facility along the southern boundary of the site, providing 11 no. car spaces. The proposed development would include an extension to the existing parking arrangements to provide a further 11 no. spaces. This would result in a total parking provision of 22 no. spaces, with 3 no. allocated for disabled users.
- 7.19 The maximum parking standards for Residential Institutions as set out in the SPGN no. 11 requires 1 car space per 3 bed spaces plus 1 car space per staff member. In accordance with the SPGN, there is a shortfall in the number of parking spaces being provided.
- 7.20 The application is supported by a Transport Statement, prepared by Cameron Rose. This dictates that the site is in a reasonably sustainable location, with the settlement of Bagillt regularly serviced by public buses. The statement also confirms that the majority of the care staff employed at the Home are local, and or travel from within the locality using public transport or by car share.
- 7.21 The comparable parking ratios (taken from Appendix 8 of the original application and updated) shows an average of 1 parking space per 3.6 bed spaces. This application seeks to provide a greater degree of

parking than this with a proposed ratio of 1 parking space per 2.7 bed spaces. This ratio maintains that currently in operation at the Pen Y Bryn Residential Home. It is therefore considered that with reference to comparable sites, the car parking provision represents a consistent approach and maintains the existing parking supply status.

- 7.22 The anticipated car park usage (taken from Appendix 9 of the original application and updated) identifies a predicted parking demand. The methodology used in this assessment was accepted for the original and approved consent. In order to update this assessment the study doubled the arrival trips, to reflect the doubling of room numbers. The only vehicle numbers that have been retained are the service and delivery vehicle numbers, as these in reality would not increase in line with the bed numbers. Indeed, this overall approach of a linear relationship is overly robust, (for example a doubling of bed numbers would not double the amount of managers on site); but again provides a consistent assessment approach.
- 7.23 The Statement therefore demonstrates that the lack of parking being provided should not prejudice the delivery of development in a location that is clearly sustainable, a term which in the context of the site and its established use goes beyond just parking requirements and transport links. However, on the subject of parking, paragraph 4.1.51 of PPW10 states *“parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.”* PPW10 continues at paragraph 4.1.53 stating that *“Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.”* The standards set out in SPGN no.11 are a maximum, not a minimum. Therefore, it is considered that given the site’s established use, and sustainable location, the proposed parking provision and arrangement is acceptable and complies with the relevant policies.
- 7.24 Highways confirms that it has no objection to the development subject to the imposition of conditions.
- 7.25 The application has received a number of objections in relation to the access road, Fron Deg, in particular to emergency vehicle access, its poor condition and the noise and disruption along the highway during any construction phases.
- 7.26 Whilst the Health Board did not respond during the consultation period, North Wales Fire Service did, who confirmed that the access to the properties along Fron Deg to include the nursing home can be achieved by priority vehicles. The Fire Service therefore raised no

objections in respect of the proposals.

7.27 The concerns in respect of the poor condition of the access road are noted. In order to avoid further deterioration, a condition has been imposed by the Highway Authority which requires the Applicant to undertake a condition study prior to works commencing on site. This is to ensure that no historical damage can be attributed to the construction traffic associated with the build, and once works have been completed, the Authority can establish if any additional damage has been caused. Any additional damage identified shall be remedied by the Applicant and at their own cost.

7.28 Furthermore, I note objections were raised regarding the noise and disruption experienced by neighbouring residents during the construction of the 2013 extension. I understand that this consent did not have the controls of a Construction Traffic Management Plan which would have otherwise sought to control and minimise disruption where possible. The Highway Authority have therefore requested the imposition of such a condition for which I consider to be wholly reasonable.

#### Drainage

7.29 Welsh Water have assessed the proposal and note the developer proposes to dispose of foul flows via the public sewerage system.

7.30 Welsh Water raise no objection to the proposal subject to the imposition of a condition to control surface water disposal. There is no anticipated concern about the management of surface water.

#### Land Stability – Mining

7.31 The application is supported by a Coal Mining Assessment, prepared by Sladen Associates, dated September 2013. The application is also supported by an Addendum, dated January 2019 also prepared by Sladen Associates.

7.32 The findings of the supporting information identify known workings below the site at 110m depth and deeper. There is evidence of unrecorded workings at shallower depths but in excess of 30m depths. It is considered the risks to the proposed development associated with these and the deeper workings, are very low. Whilst the reports do not consider specific stabilisation works to be necessary, It is recommended that foundations for the new structure be reinforced such that minor ground movements could occur without structural damage.

7.33 The reports confirms that based on the recorded position of the mine entries and results of the ground works undertaken as part of the bungalow construction, and the excavations undertaken as part of the construction of the 2013 extension, the on-site mine entry (033) is not located within 20m of the proposed extension, the risk associated with



this shaft is therefore considered to be very low.

- 7.34 The Coal Authority previously objected to the proposal in December 2018 as it did not consider an adequate assessment of all coal mining risks associated with this particular proposal had been undertaken. Following the submission of additional information in January (2019), The Coal Authority were invited to comment. The Coal Authority confirmed that they had reviewed the details and consider the identified mining features would not pose any significant risk to the proposed development. Furthermore, The Coal Authority agrees with the professional judgements made and therefore withdraws its objection to the proposed development.

Impact on residential living conditions

- 7.35 The majority of the bedroom windows have open views to the west and south, and or otherwise look into the courtyard. To the north, 'Wesley Mount' is the only neighbouring property close enough to the proposal to warrant consideration. The orientation of the neighbouring property and the positioning of the proposed fenestration to the north elevation would avoid any direct overlooking or loss of privacy to any such opposing habitable space(s). The proposals are in excess of the separation distances of 22m to include the applications of sloping ground.

- 7.36 Adequate separation distances between the existing and proposed dwellings are therefore provided, ensuring the privacy and amenity of existing and proposed occupants is maintained. As such it is considered that the opportunity for overlooking is limited given the orientation of the development, the internal arrangement and subsequent placement of openings. The development is therefore considered to be in accordance with SPGN no 2 – Space Around Dwellings.

## **8.00 CONCLUSION**

The proposal would see the development and expansion of an existing local care facility, which provides essential support for those living with Dementia.

The proposed extension would increase the current residential provision to provide a total no. of 60 bedrooms. The UK has an aging population which is seeing an increase in the number of people being diagnosed with Dementia. It is therefore essential that such local facilities are supported and allowed to adapt, so that they may accommodate the increasing need for elderly mental health care. It is also important to understand the value of such facilities, not only do they create employment opportunities, but they provide home from home support for local people so that they may remain independent,

but also stay within the area to which they are familiar, ensuring the transition during these early and difficult stages of the illness are less traumatic.

It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.

#### 8.01 Other Considerations

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

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

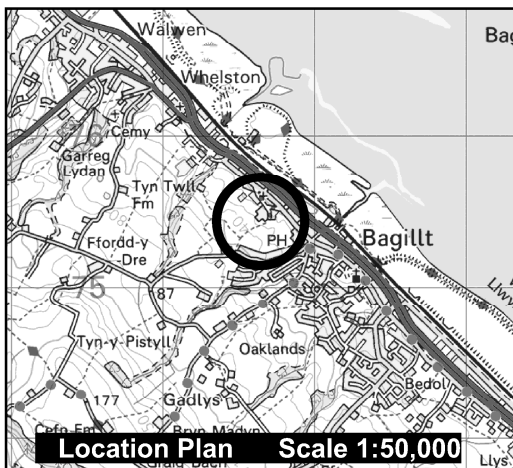
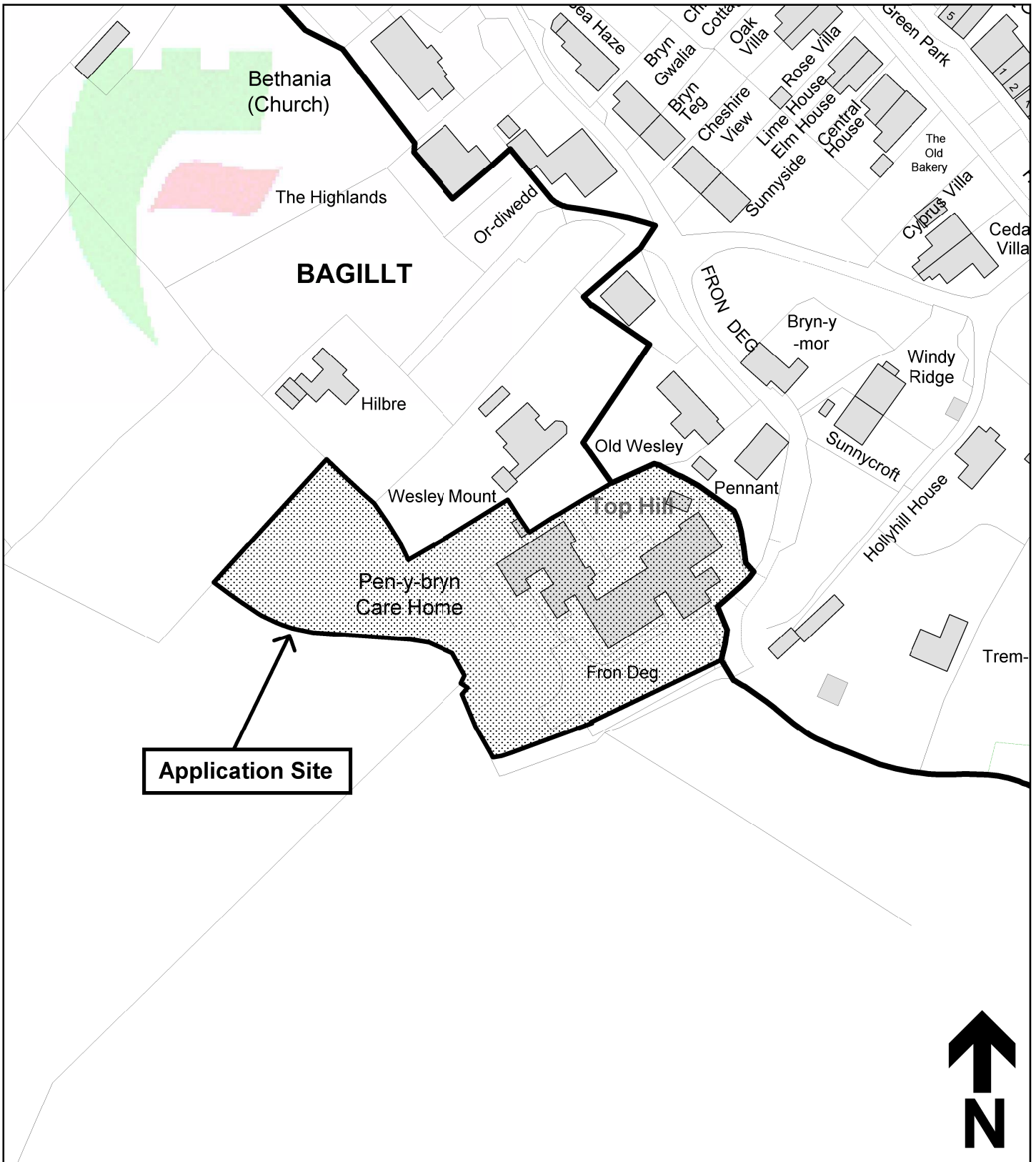
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

#### **LIST OF BACKGROUND DOCUMENTS**

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

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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 2175

Planning Application **59174**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.3

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>RD</sup> APRIL 2019**

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

**SUBJECT:** **FULL APPLICATION – DEVELOPMENT OF EXISTING HIGHWAY LAND TO A PARK & RIDE FACILITY WITH ASSOCIATED INFRASTRUCTURE AT PROPOSED PARK & RIDE, SHOTWICK ROAD, SEALAND.**

**APPLICATION NUMBER:** **059277**

**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**

**SITE:** **LAND ADJACENT SHOTWICK ROAD, SEALAND**

**APPLICATION VALID DATE:** **20<sup>TH</sup> DECEMBER 2018**

**LOCAL MEMBERS:** **COUNCILLOR MS C M JONES**

**TOWN/COMMUNITY COUNCIL:** **SEALAND COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **DEPARTURE**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 This is a full planning application for the development of a 'Park and Ride' facility, featuring a car park providing 227 no. spaces, a new bus lane, upgrade of existing shared pedestrian footway and cycleway together with associated infrastructure on land adjacent Shotwick Road, Sealand.

The use of the proposed site for a Park and Ride Facility would help to alleviate the current parking problems experienced in the locality, reducing the pressures on the existing infrastructure that negotiates through the adjacent Deeside Industrial Park and wider area. The

proposed development would contribute to the Local Authority's Wider Transport Strategy, which seeks to reduce the reliance on the private car and supports the change to more sustainable modes of transport in line with Planning Policy Wales 10.

Whilst located within the Green Barrier, the principle of development in this location is considered to meet the aims of the updated guidance set out in Planning Policy Wales 10. The development is therefore considered to be acceptable

Additionally it is not considered the proposed facility would have any undue impact upon the existing character and appearance of the site, the surrounding Industrial Park, the wider Green Barrier Designation, or upon the amenities and operation of the nearest properties. The proposed development is therefore considered to comply with the relevant policies and is recommended accordingly.

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

2.01 That conditional planning permission be granted subject to:

### Conditions

1. Time commencement
2. In accordance with plans
3. Details of the Bus Shelters and Bike & Go facility
4. Details of surface water disposal to be submitted and approved
5. No surface water and/or land drainage allowed to connect directly or indirectly with the public sewerage network
6. Detailed scheme for Hard and Soft Landscaping including boundary treatments and surfacing of roadway/bus lane/footway/cycleway, parking and turning areas and Implementation
7. None of the trees shown to be retained shall be removed
8. No works to any trees or hedges shall take place during the bird breeding season
9. Biosecurity Risk Assessment to be submitted and Approved
10. Scheme for interception of fuels
11. Hours of operation (06:00 – 20:00)
12. Scheme for security CCTV
13. Scheme for external lighting to be submitted and approved.

## **3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms C M Jones  
Raises no objection to the proposal.

Sealand Community Council

No objection.

Highways Development Control

With reference to the amendments and additional information submitted in respect of the above proposal and the submitted Transport Assessment, in conjunction with the proposed junction improvements these adequately address the any concerns previously raised.

The application has been submitted on behalf of the Highway Authority; subject to the grant of planning consent, detailed design work and safety audit will be commissioned. As such, all work to be undertaken within the highway will be controlled by the Highway Authority and further control by the imposition of highway related planning conditions is not required.

Highways therefore raise no objection to the proposal.

Head of Public Protection

No adverse comments to make.

SAB

SAB approval is not required as the application was validated before the 7<sup>th</sup> January 2019.

Welsh Government (Trunk Roads)

Confirms that Welsh Government as Highway Authority for the A494 trunk road does not issue a direction in respect of this application.

Welsh Water/Dwr Cymru

Welsh Water have assessed the proposal and note, that no foul flows are proposed as part of the proposed development. However, it is noted that it is proposed to discharge surface water into a sustainable drainage system or the public sewer. Due to the sensitivity of allowing surface water to enter the public sewerage system, the developer will have to demonstrate that all other options for surface water drainage have been explored. Consideration will need to be given to the incorporation of sustainable methods of drainage into the scheme in line with Welsh Government's 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems' (2018). From the information submitted, no justification appears to have been provided to support the discharge of surface water into the public sewer.

Welsh Water do not object to the proposal subject to the imposition of conditions to control surface/land water drainage.

Natural Resources Wales

NRW do not object to the proposed development provided

appropriate conditions are imposed that are relative to the points raised. The detail of the response is as follows:

NRW have reviewed the Flood Consequence Assessment (FCA) submitted in support of the proposed Park & Ride Scheme. The FCA for Shotwick Road, Deeside has been produced by Waterco and is dated February 2019.

The FCA identifies no tidal flood risks to the site from the 0.1% annual exceedance probability (AEP) and 0.5% AEP event up to 2090 and with upper band confidence data from the Tidal Dee Study 2017 data produced by NRW. This is relative to a 70 year lifetime of development for a less vulnerable use and demonstrates no increased flood risk elsewhere. The fluvial assessment is limited to surface water flooding maps and levels which show the site to be lower (1.8m). The FCA demonstrates the proposed development complies with the requirements of TAN15: Development and Flood Risk.

The site is within 20m of the drain/watercourse that runs along the cycle track and path on the site's southern boundary. This watercourse has connectivity with a sealed main river, Shotwick Brook East. As the proposed car park is for more than 50 vehicles, a fuel interceptor must be installed as part of the drainage scheme for the proposed development. A condition is therefore requested which requires the submission of such a scheme and a plan to show the location.

NRW have reviewed the Ecology Appraisal submitted which identifies that bats are present at the application site. From the information submitted, we consider that the proposed development represents a lower risk to bats, as defined in guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulation 2017.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Furthermore, we advise that the proposed development is not likely harm or disturb the bats provided the avoidances measures described in the bat report are conditioned and thereafter implemented.

NRW also consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. NRW therefore advise that a condition should be imposed which requires the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.



Sustrans  
No objections.

Airbus  
Confirms there is no aerodrome safeguarding objection to this proposal.

#### **4.00 PUBLICITY**

4.01 Press Notice, Site, Notice, Neighbour Notification  
The application was advertised as a departure from the development plan.

3 no. letters of objection upon the following grounds:

- Increase traffic congestion on Drome Roundabout and Green Lane West
- Increase likelihood of RTC(s)
- Restricts access to the properties on Green Lane West
- Increase flood risk
- Potential for the proposed facility to be misused for overnights stays, holiday makers and attract youths
- Increase in anti-social behaviour
- Increase in litter and flytipping
- Green Lane West will be used as a toilet facility
- Poor visibility when exiting the proposed car parks
- Loss of habitat
- Poor existing signage

#### **5.00 SITE HISTORY**

5.01 No planning history.

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
STR1 New Development  
STR2 Transport and Communication  
STR7 Natural Environment  
GEN1 General Requirements for Development  
GEN3 Development in the Open Countryside  
GEN4 (16) Green Barrier  
D1 Design Quality, Location and Layout  
D2 Design  
D3 Landscaping  
D4 Outdoor Lighting  
D5 Crime Prevention  
TWH1 Development Affecting Trees and Woodlands

L1 Landscape Character  
WB1 Species Protection  
AC1 Facilities for the Disabled  
AC2 Pedestrian Provision and Public Rights of Way  
AC3 Cycling Provision  
AC13 Access and Traffic Impact  
AC18 Parking Provision and New Development  
EWP12 Pollution  
EWP17 Flood Risk

SPGN no. 3 Landscaping  
SPGN no. 4 Trees and Development  
SPGN no. 11 Parking Standards  
SPGN no. 12 Access for All

**Planning Policy Wales Edition 10 (December 2018)**

TAN 15 Development and Flood Risk  
TAN 18 Transport

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for the development of a 'Park and Ride' facility, featuring a car park providing 227 no. spaces, a new bus lane, upgrade of existing shared pedestrian footway and cycleway together with associated infrastructure on land adjacent Shotwick Road, Sealand.

7.02 Site Description

The site extends for 0.98ha and comprises a swathe of flat land that is undeveloped and overgrown. The application site is straddled across Green Lane West, comprising two areas of land positioned between Shotwick Road, Deeside Industrial Park and the roundabout interchange at Drome Corner.

7.03 The site is bound to the north by the A548 Shotwick Road which sits at an elevated position to the application site, separated by highway verge and existing trees. To the east, the site is bound by the roundabout interchange, while the south and west boundaries are bound by Deeside Industrial Park. The site is located approximately 2km north of Garden City, as the nearest residential settlement.

7.04 The site is accessed off Green Lane West, which connects to Drome Road within Zone 1 of Deeside Industrial Park. Drome Road forms an arm of the Deeside Park Roundabout Junction approximately 110m east of the centre of the site. Zones 2 and 3 are located further to the west of the proposed development site.

7.05 Proposed Development

The proposed park and ride facility will create two car parks providing

a total of 227 no. parking spaces. The parking provision comprises 181 no. regular parking spaces and 13 no. disabled/accessible parking spaces in Car Park 1, with a further 33 no. regular parking spaces provided in Car Park 2, located on the opposite side of Green Lane West with its boundary abutting the roundabout interchange and grassed highway verge.

- 7.06 Each regular parking space measures 2.4x4.8m, and each disabled/accessible parking space measures 3.6x4.8m in accordance with SPGN no. 11 Parking Standards. A carriageway aisle measuring 6m in width will be installed between each strip of parking.
- 7.07 A new bus lane will be created immediately to the south of the proposed park and ride facility which will provide a connection between Green Lane West, and Parkway between Zones 1 and 2 of Deeside Industrial Park. The proposed bus lane will predominantly be a single lane width with passing places incorporated to enable the bidirectional movement of the shuttle bus service. The existing shared pedestrian footway/cycleway to the south of the site will be realigned along the southern edge of the proposed bus lane, running parallel into Parkway and beyond.
- 7.08 Two new bus stops will be provided immediate to the south of the proposed Park & Ride, one for eastbound services, and one for westbound services. Fully enclosed bus shelters will be provided at each stop. The proposal also includes a Bike & Go facility for the storage of cycles.
- 7.09 The site will continue to be accessed off Green Lane West accompanied by a new priority junction. Improvements will be made to the Green Lane West / Drome Road junction, with a right turn ghost island implemented from Drome Road onto Green Lane West. Existing vegetation to the east of Drome Road will be cleared to provide greater forward visibility for vehicles exiting the roundabout onto Drome Road.
- 7.10 Pedestrian connectivity to the new bus stops will be provided from the Park & Ride through the creation of new pedestrian footways. Four new pedestrian crossings will be installed as part of the scheme. These crossings will link the Park & Ride to both eastbound and westbound bus stops, and will provide a link between the two areas of the Park & Ride and the existing local pedestrian infrastructure network. Each crossing will feature tactile paving.
- 7.11 Principle of Development – Green Barrier  
With the exception of the southern part of the site the bulk of the site lies within green barrier GEN4(16) ‘Sealand – Cheshire Border’ in the adopted UDP. The boundary of the green barrier does not follow any physical feature on the ground but cuts directly across the site.

- 7.12 The policy approach to green barriers in the UDP is still broadly in line with PPW although the recent publication of PPW10 has introduced amendments by identifying 4 further forms of development which may be acceptable within a green barrier. The main aim of green barriers is to protect the open character of land and PPW sets out a general presumption against development which is inappropriate in relation to the purpose of the designation. PPW advises that development within a green barrier must be strictly controlled to maintain openness and sets out a number of types of development which are not inappropriate development. PPW10 has introduced further guidance which states:
- 7.13 'Certain other forms of development may be appropriate in the Green Belt or green wedge provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- mineral extraction;
  - renewable and low carbon energy generation;
  - engineering operations; and
  - local transport infrastructure'.
- 7.14 The role of this section of the green barrier is to protect the open character and appearance of a swathe of flat land between the northern edge of Deeside Industrial Park / A548 Shotwick Road and the Cheshire border. It seeks to mirror the Cheshire Green Belt and to safeguard the open countryside from encroachment. The bulk of the green barrier comprises flat open agricultural fields which represents Best and Most Versatile Agricultural Land. By contrast the application site is a small swathe of land between Deeside Industrial Park and roundabout interchange between the A494(T) and A548 Shotwick Road. It comprises rough scrubland with self-seeded trees and sits at a slightly lower level than the A548. With the backdrop of industrial development and the infrastructure associated with the A548 / A494(T) interchange, it has a distinct urban context, and it is quite different in character and appearance from the wider green barrier.
- 7.15 Turning to the specific form of development proposed, the site will be predominantly laid out with car parking spaces and the only built development on the site will be a bus shelter and Bike & Go Facility. The proposed use of the site as a Park and Ride Facility, linking with regular shuttle buses and existing cycle routes clearly represents 'local transport infrastructure' and forms part of a number of sustainable transport schemes and initiatives in and around Deeside. The lack of built development will ensure that the purposes of this green barrier are not compromised in terms of maintaining the open character of the site and preventing the encroachment of built development into open countryside. The proposed development is therefore considered to comply with the updated guidance in PPW10

and is therefore not inappropriate development in the Green Barrier.

7.16 Highway Impact

The site will continue to be accessed off Green Lane West with the addition of a new priority junction. Improvements will be made to the Green Lane West / Drome Road junction, with a right turn ghost island implemented from Drome Road onto Green Lane West.

7.17 Existing vegetation to the east of Drome Road will be cleared to provide greater forward visibility for vehicles exiting the roundabout onto Drome Road. A forward visibility splay of 66m will be achievable for vehicles exiting the roundabout. Lateral visibility splays of 2.4 x 63m are achievable in both directions from the Drome Road / Green Lane West junction.

7.18 Pedestrian connectivity to the new bus stops will be provided from the Park & Ride through the creation of new pedestrian footways. Four new pedestrian crossings will be installed as part of the scheme. These crossings will link the Park & Ride to both eastbound and westbound bus stops, and will provide a link between the two areas of the Park & Ride and the existing local pedestrian infrastructure network.

7.19 The application is supported by a Transport Assessment prepared by Pell Frischmann, dated February 2019. The report has been subject to statutory consultation with the Highway Development Control Manager, who conclude that the report together with the proposed junction improvements adequately address the previous concerns raised in relation to traffic impact on the Green Lane West Junction, and wider highway safety. The proposed achievable visibility splays are considered to be acceptable.

7.20 The application has been submitted on behalf of the Highway Authority; subject to the grant of planning consent, detailed design work and safety audit will be commissioned. As such, all work to be undertaken within the highway will be controlled by the Highway Authority and further control by the imposition of highway related planning conditions is not required. The Highway Development Control Manager therefore confirms that it has no objection to the development.

Furthermore Welsh Government, Highways Authority for the A494 Trunk Road have not raised an objection in respect of the proposal.

7.20 Flood Risk

The application site lies entirely within Zone C1 as defined in TAN15 Development and Flood Risk (2004) and shown on the Natural Resource Wales Development Advice Map. This is confirmed by Natural Resource Wales (NRW) which confirms the site is within the defended flood zone 3 – an area considered to be at risk with a 0.5%

(1 in 200) or greater annual probability of tidal flooding but served by significant infrastructure, including flood defences.

7.21 The nearest watercourse is an unnamed land drain which is located immediately south of the site. Shotwick Brook is located approximately 300m north-west of the site and flows south to join the River Dee approximately 2.6km south west of the site. The River Dee is tidally influenced in this location.

7.22 For the purposes of this determination, it is necessary to assess the proposal in line with TAN15. Firstly, the proposed development is considered to fall within the 'less vulnerable' category of development i.e. transport and fixed surface infrastructure such as car parks. Such development can be justified in Flood Zone C1 provided it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of , a local authority regeneration initiative or a local authority strategy to sustain an existing settlement, or:
- ii) Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and
- iii) It concurs with the aims of PPW and meets the definition on previously developed land; and
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 of TAN15, found to be acceptable.

7.23 In terms of justifying the development, the site has been identified as being within flood risk zone C1. In accordance with TAN15 (fig.1) zone C1 are areas of floodplain which are developed and served by significant infrastructure, including flood defences. The development site is located in an area which benefits from tidal flood defences in the form of earth embankments along the River Dee; the north embankment in particular has been subject to improvement and strengthening works as part of the Northern Gateway site, which has seen the defence crest increased to 7.20m AOD.

7.24 The site is located adjacent to a major employment allocation, Deeside Industrial Park. The proposed development would contribute to the Local Authority's Wider Transport Strategy, which seeks to reduce the reliance on the private car and supports the change to more sustainable modes of transport in line with PPW10. The development would therefore accord with criteria (i) and (ii) above.

7.25 Whilst the site is not recognised as brownfield land, the site is considered to meet the aims of PPW10 in relation to development

within the Green Barrier. The principle of development is therefore considered to be acceptable in this location. The development would therefore accord with the broad understanding of criterion (iii).

- 7.26 In terms of criterion (iv) the application is supported by a Flood Consequence Assessment (FCA) undertaken by Waterco, dated February 2019. The assessment has detailed the modelled outputs obtained from NRW to assess the risk of tidal flooding from the River Dee. The site is shown to be flood free during all tidal overtopping (defended) events up to and including the 0.1% Annual Exceedance Probability (AEP) + climate change up to the year 2090 event.
- 7.27 A residual flood risk would arise from a breach of the River Dee Flood Defences during an extreme flood event. When accounting for a breach of the flood defences at Garden City and Broken Bank, the site is estimated to be flood free during all events up to and including the 0.5% AEP + climate change up to the year 2115 breach event, it is also considered to be flood free during the 0.1% AEP + climate change up to the year 2090 event.
- 7.28 The risk of flooding to the site from all sources is considered to be low and no mitigation measures are considered to be necessary.
- 7.29 NRW have reviewed the FCA and confirm that they are satisfied that the appropriate assessment of flood risk has been undertaken which demonstrates that the site would remain flood free with no increased flood risk elsewhere. Furthermore NRW confirm that the FCA demonstrates the proposed development complies with the requirements of TAN15: Development and Flood Risk. NRW therefore raises no objection to the proposed development.
- 7.30 It is considered that the proposed development complies with criterion (vi) as outlined above.
- 7.31 Drainage  
Welsh Water have reviewed the submitted details and note, that no foul flows are proposed as part of the proposed development. However, it is noted that it is proposed to discharge surface water into a sustainable drainage system or the public sewer. Due to the sensitivity of allowing surface water to enter the public sewerage system, the developer will have to demonstrate that all other options for surface water drainage have been explored. Consideration will need to be given to the incorporation of sustainable methods of drainage into the scheme in line with Welsh Government's 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems' (2018).
- 7.32 Welsh Water consider the drainage arrangement to be acceptable in principle, however suggest the imposition of conditions to control the

details of surface/land water drainage.

7.33 Ecology

The application site is situated alongside the Industrial estate and is currently undeveloped land. It consists of rough grassland, tall herb, planted trees and regenerating scrub.

7.34 The Dee Estuary SSSI/SAC/SPA/Ramsar site and the River Dee SAC are both over 2.5km from the site, therefore it is not considered that the proposed development will impact directly or indirectly upon these designations. Otters are a feature of the River Dee SAC and have been recorded within the Deeside Industrial Park (DIP), with evidence found along the ditches which provide an important corridor for ecology.

7.35 The application is supported by a Preliminary Ecological Appraisal, undertaken by Pell Frischmann dated January 2019. The report covers statutory protected sites, Habitats and protected species.

7.36 In summary:

- *Phase I habitat survey identifies an area of neutral grassland, with the majority identified as tall herb vegetation scrub and planted trees.*
- *Bats: the site is identified as potential foraging habitat.*
- *Nesting birds: The habitat is suitable for nesting birds. Bird activity was recorded during the site survey which recorded common species. There are also Barn Owl and Kestrel records locally which could use the site as feeding habitat.*
- *Reptile and amphibians: Grass snake and common lizard have been recorded elsewhere within the DIP but the potential for common reptile species is low but reasonable avoidance measures have been proposed. Common Toad have also been recorded within the DIP and the presence of the nearby ditch/drain means their presence may be more likely.*
- *Otter and Water vole: not identified within the report. The water course is outside of application site. (Evidence of Water vole feeding remains was found August 2014 on connecting ditches during a survey for FCC Engineers).*
- *Badger: No setts or signs of badger were identified during the survey.*

7.37 The key issues highlighted concern nesting birds and bats. The application site is considered to possess favorable, albeit of low quality habitat likely to be used by nesting birds. It is therefore recommended that no vegetation clearance should take place during the bird nesting season, unless suitable checks are undertaken, and I propose a condition to this effect. Whilst the study suggests the need for a further bat activity survey, the County Ecologist considers the existing, limited natural habitat on site is likely to be used for foraging purposes rather than roosting, and therefore further surveys are not



necessary. The proposed mitigation which aims to strengthen green corridors along the site boundaries as part of any landscaping works is welcomed. NRW concur with this approach.

7.38 The survey proposes mitigation in the form of a landscaping scheme which retains the identified trees and woodland areas, includes the replanting of native trees and use of wildflower mixes which provide opportunities for ecological enhancements. Whilst a landscaping scheme has been provided, it is not considered to be sufficiently robust or detailed and therefore I propose a condition requiring such a scheme to be submitted, and approved prior to commencement in order to accord with the recommendations of the ecology study.

7.39 Trees

An Arboricultural Tree Survey has been submitted in support of the application undertaken by Pell Frischmann, dated January 2019. In addition to the assessment, an Arboricultural Method Statement and Tree Protection Plan has been prepared by the Applicant's appointed consultant. These statements have been informed by the recommendations of the comprehensive Tree Survey submitted.

7.40 The report concludes that all of the established lime trees (15) along the north boundary of the site and Shotwick Road are to be retained and appropriately protected in accordance with the Tree Protection Plan submitted. Such protection measures include fenced off areas to mark the root protection zone of each individual tree, ensuring the protection of the tree and any future growth. Retaining these trees is welcomed as they afford valuable amenity and structure to the landscape when approaching and exiting the roundabout.

7.41 Within the main body of the application site T001, G002 and G003 and G004 will need to be felled. These groups of trees and T001 give the area a more rural character and provide a degree of screening for the cycle track from Shotwick Road, however they are not strong landscape features nor do they comprise of particularly mature trees that would justify making a case for their retention. It is apparent that G005 could be largely retained with careful laying out of the car park and therefore there would be no need to replant this area of the car park as indicated on the landscape scheme. G005 also extends eastwards beyond the last lime providing additional screening and segregation of the bus lane from Shotwick Road.

7.42 Whilst this loss is required to enable the development scheme, the small groups of trees have been considered in the survey to be of low quality and of no significant amenity value, and therefore not worthy of retention. The loss of these trees is not considered to cause any detriment in respect of any identified ecological constraint on this site. It is considered that an appropriate landscaping scheme could offset any negative effects. The application is supported by a landscaping scheme. However, for the purposes of ensuring that the site is

appropriately landscaped and the trees identified retained, a robust hard and soft landscaping scheme will be required. I therefore propose a condition to this effect.

7.43 Other Matters

Representations received raise concerns of increased littering, misuse of the car park and opportunities for antisocial behaviour to intensify. Whilst these problems currently persist and are a concern, developing this site would create a presence that does not currently exist, providing surveillance, security and maintenance to the site and its surrounding areas. As such it is considered that the proposed development will deter such attributes of crime and behaviour and lead to an overall betterment. A concern was raised with regards to signage however this application cannot seek to resolve existing signage issues which are unrelated to this development.

**8.00 CONCLUSION**

The use of the proposed site for a Park and Ride Facility would help to alleviate the current parking problems experienced in the locality, reducing the pressures on the existing infrastructure that negotiates through the adjacent Deeside Industrial Park and wider area. The proposed development would contribute to the Local Authority's Wider Transport Strategy, which seeks to reduce the reliance on the private car and supports the change to more sustainable modes of transport in line with Planning Policy Wales 10.

Whilst located within the Green Barrier, the principle of development in this location is considered to meet the aims of the updated guidance set out in Planning Policy Wales 10. The development is therefore considered to be acceptable

Additionally it is not considered the proposed facility would have any undue impact upon the existing character and appearance of the site, the surrounding Industrial Park, the wider Green Barrier Designation, or upon the amenities and operation of the nearest properties. The proposed development is therefore considered to comply with the relevant policies and is recommended accordingly.

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.

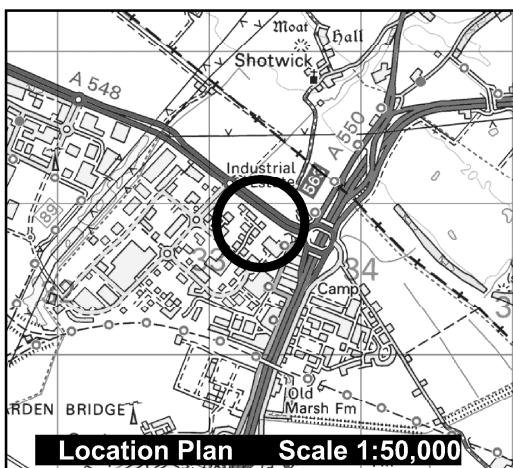
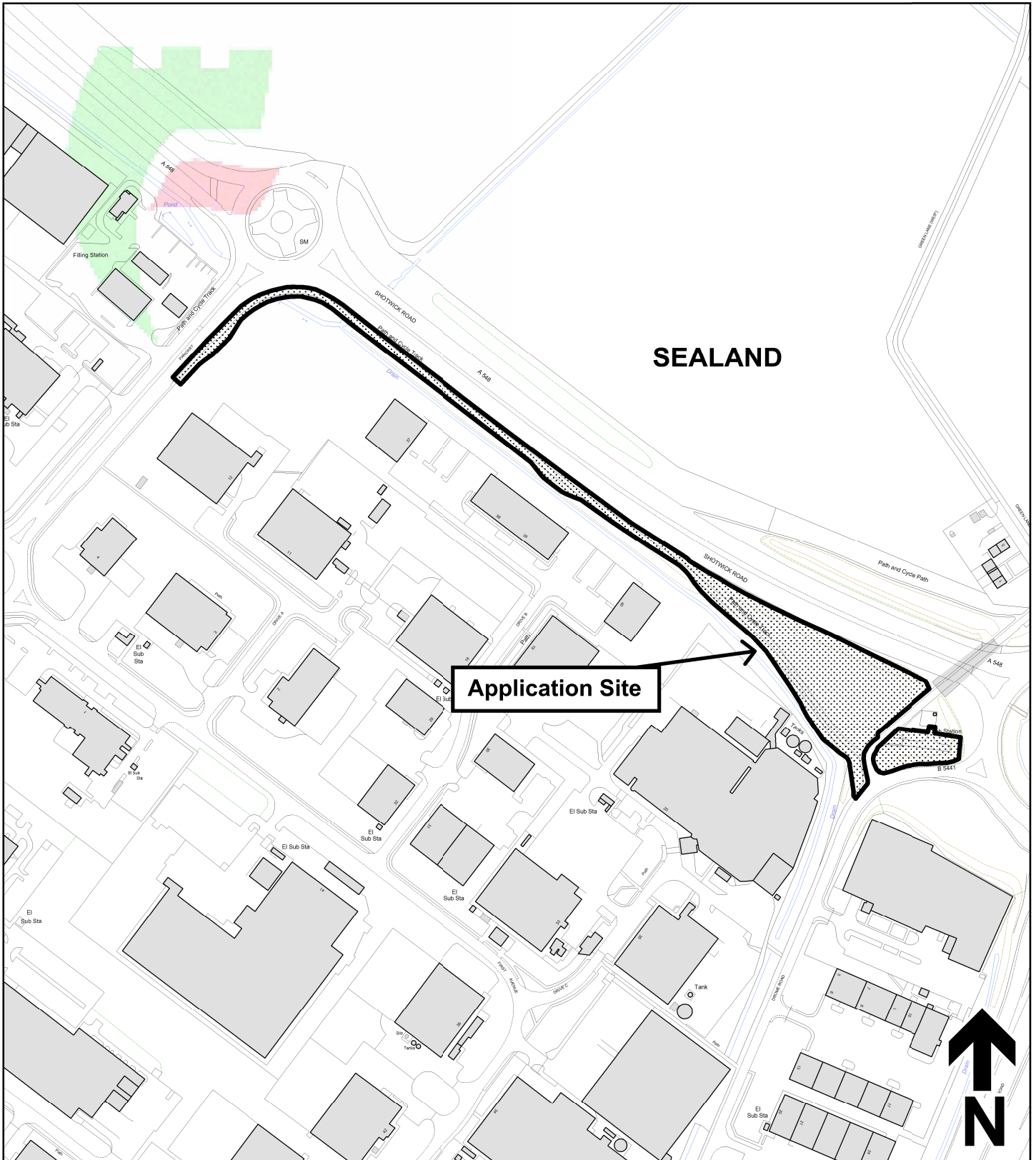
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:**        **Katie H Jones**  
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Mae'r dudalen hon yn wag yn bwrpasol



Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale	1:4000
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OS Map ref	SJ 3370
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Planning Application	<b>59277</b>
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Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.4

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>RD</sup> APRIL 2019**

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

**SUBJECT:** **FULL PLANNING – RESIDENTIAL DEVELOPMENT INCLUDING 15 NO. NEW DWELLINGS AND THE CHANGE OF USE/CONVERSION OF THE FORMER LLUESTY HOSPITAL INFIRMARY WING TO PROVIDE 14 NO. RESIDENTIAL UNITS (TOTAL 29 NO. DWELLINGS) ON LAND AT LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION NUMBER:** **057006**

**SITE:** **INFIRMARY WING, LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION VALID DATE:** **25<sup>TH</sup> OCTOBER 2018**

**LOCAL MEMBERS:** **COUNCILLOR P JOHNSON**

**TOWN/COMMUNITY COUNCIL:** **HOLYWELL TOWN COUNCIL**

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

**SITE VISIT:** **NO**

### **1.0 SUMMARY**

- 1.01 This is a full planning application (057006) for the change of use of the former Llesty Hospital Infirmary building to provide 14 no. self-contained residential units, 15 no. new build residential units with the total development providing 29 no. residential dwellings together with associated landscaping and infrastructure on land at Llesty Hospital, Old Chester Road, Holywell.

It is considered that the proposed conversion and new build will provide a long term, viable reuse of the curtilage listed building,

within the backdrop of the Listed Buildings of Lluesty Hospital, without significantly comprising the historic character and appearance. The proposed scheme will also deliver a housing allocation in the UDP and will contribute to the housing land supply in a sustainable location.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

1. Payment of £12,647.00 in lieu of onsite provision to enhance toddler play facilities at Fron Park, Holywell.
2. Payment of £12,647.00 in lieu of onsite provision to enhance teenage recreation at Holway Play Area, Holywell.
3. Control the provision of 2 no. 3 bedroomed homes as Gifted Units and 2 no. 2 bedroomed homes to be sold at a discounted purchase price of 70% of their market value and all of the affordable dwellings to be made available to persons on the affordable housing register.
4. Provide that a Management Company is incorporated for the management and future maintenance of the estate roads and footways and communal landscaped areas.

Conditions

1. Time Commencement
2. In accordance with Plans
3. Materials of all external finishes to include glazing
4. Hard and Soft Landscaping Scheme and Implementation
5. Contaminated Land Investigation
6. Level 2 Building & Photographic detailed historic survey
7. Scheme for reasonable avoidance measures, mitigation/compensation including external lighting, agreed monitoring to ensure long term roost security for bats and full details of a Method Statement for licence
8. Scheme of mitigation for House Martins and Swifts
9. Ecological Compliance Audit
10. No works to take place during the bird nesting season unless otherwise agreed
11. Detailed scheme for the re-alignment of the Chester Road/Halkyn Road Junction subject to S278 Agreement of the 1980 Highways Act
12. No dwelling to be occupied until all works are completed per agreement



13. Siting, layout and design of means of access in accordance with details to be submitted and approved
14. Detailed scheme for the provision of site access
15. The works associated with forming the means of the site access shall be kerbed and completed to the carriageway
16. Visibility splays of 2.4m x 43m
17. Visibility splays to be made available and kept free from obstruction during site construction work
18. Facilities to be provided for parking and turning
19. Garages to be set 5.5m from the footway
20. Detailed layout, design, means of traffic calming and signing, surface water drainage, lighting and construction of internal estate roads
21. Positive means to prevent surface water run-off onto the highway
22. Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
23. Construction Management Plan
24. Full Travel Plan
25. Transport Implementation Strategy
26. Drainage Scheme to be submitted and approved
27. Conservation conditions

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.0 CONSULTATIONS**

#### 3.01 Local Member

Councillor P Johnson

Confirms no objection to the proposed development.

Holywell Town Council

No objections raised.

Head of Assets and Transportation

No objections to the proposal subject to the following conditions:

- Detailed scheme for the re-alignment of the Chester Road/Halkyn Road Junction subject to S278 Agreement of the 1980 Highways Act
- No dwelling to be occupied until all works are completed per agreement
- Siting, layout and design of means of access in accordance with details to be submitted and approved
- Detailed scheme for the provision of site access

- The works associated with forming the means of the site access shall be kerbed and completed to the carriageway
- Visibility splays of 2.4m x 43m
- Visibility splays to be made available and kept free from obstruction during site construction work
- Facilities to be provided for parking and turning
- Garages to be set 5.5m from the footway
- Detailed layout, design, means of traffic calming and signing, surface water drainage, lighting and construction of internal estate roads
- Positive means to prevent surface water run-off onto the highway
- Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
- Construction Management Plan
- Full Travel Plan
- Transport Implementation Strategy

#### Head of Public Protection

No objection in principle, however the site has an extensive historical use as a Work House and Hospital and there are also gas works on site. There could also be asbestos present in the building fabric. In addition, the site is in an area which includes extensive lead mining history. Therefore the imposition of a condition requiring a contaminated land investigation is requested.

#### Welsh Water/Dwr Cymru

Dwr Cymru Welsh Water consider the drainage arrangements to be acceptable in principle. A condition should be imposed in relation to the submission of a drainage scheme to include surface water which demonstrates that the existing network can suitably accommodate the proposed development site, and if necessary to include the submission of a scheme to upgrade the existing public sewer network shall be delivered prior to occupation of any dwelling.

#### Clwyd-Powys Archaeological Trust (CPAT)

The 1913 Edwardian Infirmary building is not in itself listed, but included within the curtilage of the Llesty Hospital Grade II Listed Buildings. The application is for the conversion of the Infirmary to residential use and there are some satellite structures that are to be demolished including two unrecorded WWII period air raid shelters. These buildings were not included in the original 2013 heritage assessment and are therefore currently unrecorded. While we have no objection to the proposals there will inevitably be some loss of original fabric, fixtures and fittings relating to the former use as an infirmary and it would be useful to obtain a record of the structure in its near

original arrangement and prior to any development taking place. In addition the removal of the WWII air raid shelters will result in their total loss and these should be fully recorded before they are demolished. This advice is in accordance with PPW and TAN24 The Historic Environment.

We therefore recommend that a study of the infirmary and air raid shelters is completed prior to conversion, which includes a detailed photographic and written descriptive record. In this case the equivalent of a Historic England Level 2 survey of the building is advised, and it is therefore kindly requested that a condition is imposed to this effect.

#### Natural Resources Wales

Natural Resources Wales (NRW) confirm that the requirement for a Protected Species: Emergence Survey to be undertaken at the appropriate time of year has been met. The submitted report concludes a range of bat mitigation and compensation measures. NRW consider the overall approach to be satisfactory and do not object to the proposal subject to the imposition of conditions requiring Reasonable Avoidance Measures for Bats to inform the appropriate EPS derogation licence and the submission of an Ecological Compliance Audit.

#### Housing Strategy Manager

In terms of evidence of need:

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units;

The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;

There is an identified level of need for intermediate products with:

- 11 applicants registered for shared equity in the Holywell area – 1no. 1bed; 6no. 2bed and 4no. 3bed properties; and
- 15 applicants registered for affordable rent in the Holywell area – 2no. 1bed; 10no. 2bed; and 3no. 3bed properties.

In accordance with UDP policy HSG10, 30% of the total number of units proposed would equate to 8 no. affordable dwellings. The applicant has however agreed to provide 4 no. affordable units

as follows:

- 2 no. 3 Bedroomed Homes as 'Gifted' units; and
- 2 no. 2 Bedroomed Homes as Affordable Ownership units.

The provision of gifted units would be commensurate to 3 no. standard affordable units, this combined with the affordable ownership commitment would therefore meet the 30% requirement on this site. I therefore support this proposal.

### Education

#### Primary School – Ysgol Maes Y Felin

School capacity  $315 \times 5\% = 16$

$315 - 16 = 299$  – Trigger point for contributions is 299 pupils

(no. of units)  $29 \times 0.24$  (primary formula multiplier) = 7 No. of pupils generated)  $\times \pounds 12,257$  per pupil (building cost multiplier) =  $\pounds 85,799$

Actual pupils  $271 + 7$  (from the multiplier) = 278 – does not meet trigger.

Contribution requirement would be  $\pounds 0$ .

#### Secondary School – Holywell High School

School capacity  $600 \times 5\% = 30$

$600 - 30 = 570$  – Trigger point for contributions is 570 pupils

(no. of units)  $29 \times 0.174$  (secondary formula multiplier) = 5 No. of pupils generated)  $5 \times \pounds 18,469$  per pupil (building cost multiplier) =  $\pounds 92,345$

Actual pupils  $479 + 5$  (from the multiplier) = 484 – does not meet trigger.

Contribution requirement would be  $\pounds 0$ .

The following primary, Ysgol Maes Y Felin and secondary, Holywell High School would be within the catchment area of the proposed development. However through consultation and as set out above, the Education Department confirm that the proposal will not trigger the need for contributions for either primary or secondary. Therefore no contributions are requested.

### Aura

In accordance with Planning Guidance Note No. 13 POS provision, the Council would require a commuted sum payment of  $\pounds 1,100.00$  per dwelling ( $\pounds 733.00$  per dwelling if affordable and/or apartments) in lieu of onsite provision. The payment would

be used to enhance toddlers play provision at Fron Park play area, and Teenage recreation at Holway play area. The total sum is to be split equally between these two projects.

Working with Planning Policy, we confirm that the contribution thresholds have not been exceeded for these locations.

#### **4.0 PUBLICITY**

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

The application was advertised by way of press and site notice.

No representations have been made in respect of the application.

#### **5.0 SITE HISTORY**

No planning history of relevance at the Infirmary Building. However, the following history relates to the remainder of the site which comprises the Llesty Hospital Complex.

- 5.01 055006 Amendment to planning application No 051727 Li to include additional 1No. apartment to Block B, 12No. apartments to Block C, 5No. apartments to Block A (Chapel) and a new build residential block to include 27No. apartments, to give a total of 89 residential units. Approved 24.08.16

055008 Listed Building Application for amendment to Listed Building Consent 051728 to include additional 1 no. apartment to Block B, 12 no. apartments to Block C, 5 no. apartments to Block A (Chapel) and a new build residential block to include 27 no. apartments, to give a total of 89 residential units. Approved 23.08.16

051727 Residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and 26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses. Approved 14.08.14

051278 Listed Building Application - Residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and 26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses. Approved 14.08.14.

045131 Residential development (69 no. units) comprising the

conversion of historic buildings (38 no. units) and the erection of new build dwellings (31 no. units). File closed 20.11.13

045133 Listed Building Application - Residential development (69 no. units) comprising the conversion of historic buildings (38 no. units) and the erection of new-build dwellings (31 no. units)  
File closed 20.11.1

## **6.0 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1 New Development

STR4 Housing

STR 7 Natural Environment

STR8 Built Environment

GEN1 General Requirements for New Development

GEN2 Development Inside Settlement Boundaries

D1 Design Quality, Location and Layout

D2 Design

D3 Landscaping

TWH1 Development Affecting Trees and Woodlands

WB1 Species Protection

HE2 - Development Affecting Listed Buildings and their Settings

HE8 Recording of Historic Features

AC13 Access and Traffic Impact

AC18 Parking Provision and New Development

HSG1 (11) New Housing Development Proposals – Lluesty Hospital

HSG8 Density of Development

HSG9 Housing Mix and Type

HSG10 Affordable Housing within Settlement Boundaries

SR5 Outdoor Play Space and New Residential Development

EWP3 Renewable Energy in New Development

EWP14 Derelict and Contaminated Land

SPGN no. 2 Space around Dwellings

SPGN no. 3 Landscaping

SPGN no. 6 Listed Buildings

SPGN no. 8 Nature Conservation and Development

SPGN no. 9 Affordable Housing

SPGN no. 11 Parking Standards

SPGN no. 23 Developer Contributions to Education

PGN no. 13 Open Space Requirements

### **Planning Policy Wales Edition 10 (December 2018)**

TAN2: Planning for Affordable Housing

TAN5: Nature Conservation and Planning

TAN12: Design

TAN18: Transport

## **7.0 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the change of use of the former Lluesty Hospital Infirmary building to provide 14 no. self-contained residential units, 15 no. new build residential units with the total development providing 29 no. residential dwellings together with associated landscaping and infrastructure on land at Lluesty Hospital, Old Chester Road, Holywell.

### **7.02 Site Description**

The Lluesty Hospital complex is situated to the west of Holywell town centre, elevated above the town. It was built as a workhouse and used more recently as a community hospital. The workhouse, the adjacent chapel and entrance buildings are Grade 2 Listed. There are a number of more modern buildings within the grounds, many of which are likely to be the result of ensuring the site could function and accommodate the demands of a working hospital. The site also contains the former Infirmary building which is subject to this application. The site has been vacant since the hospital closed and has fallen into disrepair prior to purchase. The site has sloping topography and is therefore a prominent in terms of the setting of the town of Holywell.

7.03 The application site extends for 0.74ha and is located to the west of Old Chester Road and is situated in a predominately residential area with Llys Emlyn Williams and the entrance to a residential development opposite the site. To the north is a further residential development with open land sloping upwards to the south west. To the south is a further residential development known as the Beeches. There is a petrol filling station on the other side of Old Chester Road and The Stamford Gate Public House off Halkyn Road to the east. The site is accessed from the A5026 Halkyn Road off Old Chester Road.

7.04 The application site consists of part of the Former Lluesty Hospital and contains the Edwardian Infirmary Wing of the former hospital and two air raid shelters together with associated roads and car parking. There are numerous retaining wall structures within the tiered site as the land rises from the road frontage to the rear. The existing building is vacant, as is the surrounding site, and all is semi-derelict as the fabric continues to deteriorate. The existing building is constructed from loadbearing masonry walls with reinforced concrete floors/support beams and traditional pitched roofs from timber king-post trusses finished with natural roofing slate. External walls are from red stock/pressed facing brickwork with terracotta and dressed stone features.

- 7.05 The building takes the form of a central three storey structure with two storey linear wings at each end. Due to the sloping topography of the site the west wing contains semi-basement/lower ground floor accommodation. During the building's latter day use as a hospital extensions and additions were added the majority of which have a negative effect upon the historic and architectural interest of the original building. This is particularly the case with lift shafts and disposal installations to the road frontage elevation but beneath these the composition and decorative quality of the existing building remains and can be appropriately re-established.
- 7.06 Proposed Development  
This is a full planning application for residential use of the Infirmary building and surrounding land which contributes to the wider Lluesty Hospital site.
- 7.07 The proposal comprises the change of use/conversion of the former 'Infirmary Wing' situated to the west of the Grade II Listed Buildings on the adjacent site. The conversion will lead to the creation of 14 no. self-contained residential units, with a mix of 2 and 3 bedrooms over three floors with the benefit of a basement at ground level providing services to the building, bin store and management store. To compliment the conversion 15 no. new build units are proposed in the form of staggered terraces to the front and side of the Infirmary Wing. The proposed new build units will also provide a mix of living accommodation, with the delivery of 5 no. 2 bed roomed dwellings and 8 no. 3 bed roomed dwellings, over two and three stories.
- 7.08 4 no. units have been allocated for the affordable housing provision, 2 no. 3 bed units to be Gifted and 2 no. 2 bed units for affordable ownership. This level of provision would meet the necessary 30% requirement in accordance with UDP policy HSG10.
- 7.09 The Infirmary Wing has been considered suitable for conversion and in doing so, the proposal aims to re-establish the composition and decorative quality of the existing building, introducing a focal entry point to the front elevation to give the building a sense of place. This is achieved by removing the extraneous previous extensions and additions, such as lift shafts, external staircase and waste disposal chutes, in order to return the roofscape, fenestration and dressed stone/terracotta features to the symmetry of the original building.
- 7.10 The elevation facing the site frontage is further enhanced with the introduction of a new central main entrance with radial external staircases creating a central focal point giving access to



the elevated entrance level. The composition of the rear elevation is similarly re-established but the two, two storey side wing extensions are rebuilt to replicate the style and composition of the existing main building. The redundant chimney stacks are to be retained as part of the conservation scheme. Conservation style rooflights are to be introduced to the side wing roofs to maximise the effective internal use of the existing roof spaces.

- 7.11 Internally the building lends itself to conversion with minimal structural alteration allowing the apartments to integrate within the existing structure and without the need for additional fenestration. The proposals, therefore, include for the removal of previous extraneous extensions and additions to return the former Infirmary Wing to its original form and for the refurbishment and conversion into 14 no. apartments.
- 7.12 The new access road off Old Chester Road is positioned to further emphasise the new central main entrance to the existing building while acknowledging the highway visibility splay requirements. The road rises into the site and branches off as a spine road to serve the existing building and the new housing units. The footpaths to both sides of the new access road, and the new footpath along the site frontage, will be bounded by stone retaining walls.
- 7.13 It is proposed to remove the existing road frontage retaining wall and to reclaim and reuse the stone to reconstruct the wall in its new position. The Flintshire County Council “Lluesty Hospital Development and Conservation Brief”, dated February 2007, acknowledges that site boundaries and access points may need to be adapted or newly created, and states that should this prove necessary it should be carried out so that the character of the site is maintained. It is considered that the use of stone walling along the new road frontage and to both sides of the access road will maintain this site character.
- 7.14 The topography of the site allows for split level housing units along the road frontage taking advantage of the aspect and views across the Dee Estuary but without overly compromising similar views from the existing building behind. This split level allows principal entrances to be at mid-floor level to the rear and also for the provision of car parking as a discreet parking court along the rear of the building.
- 7.15 Through the removal of the two derelict air raid shelters further housing units are introduced to effectively extend the built form at both ends of the existing building. These units have their own dedicated car parking spaces and are accessed from the internal spine road.

- 7.16 Materials of the existing building will be retained and re-established as/where necessary and consist of red stock/pressed facing brickwork to external walls with terracotta and dressed stone features, new glazed doors and windows of matching pattern, cast iron rainwater goods and natural slate roofing.
- 7.17 Proposed materials for the new housing units has been determined by the surrounding area which is generally a combination of stone, facing brick and render with concrete tile or slate roofing. Newer properties have glazed windows and rainwater goods, with the specification to be approved prior to commencement.
- 7.18 Stone retaining walls are used throughout, due to the topography of the site, and generally follow the access road/footpath lines. Housing plot boundaries to the road frontages are formed with low hedges offering a sense of enclosure whilst maintaining an open appearance. Whilst rear plot boundaries are formed by stone walls and timber panel fencing offering enclosure and privacy.
- 7.19 The site will be cleared of overgrown hedges and shrubs, but the trees and planting along the south east and south west boundaries will be trimmed and retained.
- 7.20 With the retention of the existing building, its refurbishment and conversion to allow effective re-use and the introduction of new build elements, the proposed layout, design and materials are considered to reflect the local vernacular and compliment the built form of the surrounding areas.
- 7.21 Principle of Development  
The application site is allocated within the Flintshire Unitary Development Plan for residential development. The Council produced a Development and Conservation Brief for the site in 2006 to support the UDP residential allocation under policy HSG1 (11). This set out which buildings the Council wanted to retain and which would be supported for demolition along with identifying areas for new development.
- 7.22 The site as a whole is allocated for 70 dwellings within policy HSG1 (11) of the UDP. The site is within Holywell which is a Category A main town within the UDP. It is considered the proposed scheme concurs with the strategic aims the Council has for this site, respecting the character of the Listed Building while providing a new use in accordance with its residential allocation. While the number of dwellings is in excess of what was initially envisaged and is only for part of the site, it is considered that there are a number of significant matters to be

considered in the overall planning balance. Firstly the site is within a Category A settlement which is a focus for growth and is within walking distance of the town centre. It is also a previously developed site and the proposal seeks to regenerate a highly visible large derelict building which is part of the curtilage listing of the wider site. The development therefore meets the aims of Planning Policy Wales and would make a significant contribution to the housing land supply. The number of units proposed does not present a level of density which is unacceptable within the character of this location, and as the scheme removes buildings within the site of lesser architectural merit and preserves the bespoke architectural character of the curtilage building in association with the adjacent Listed Buildings and their setting, it is considered that the principle of the proposal is acceptable.

7.23 Structural Integrity

As a prerequisite to development proposals the structural integrity of the deteriorating existing building needed to be established to determine the viability of its reuse. A structural inspection was carried out by Bingham Rawlings Partnership Limited and a copy of their Report dated 28 July 2016 is included with the documentation in support of this planning application.

7.24 The Structural Report confirms that, although in a partly dilapidated state, the existing building appears to be structurally sound with all walls and floors in a good structural condition. The roof requires complete overhaul but remains structurally sound. Overall, the existing building appears structurally sound and suitable for conversion into domestic dwellings.

7.25 Heritage Asset(s)

The Llesty site contains a complex of historic buildings that relate to the original use of the site as a workhouse and later as a hospital. Two of these buildings are designated as Grade II Listed buildings whilst other buildings and structures are protected by virtue of their association with the designations and due to their location within the curtilage of the hospital. The Infirmary Building is such a building and is therefore treated with the same level of importance as that of the Listed Buildings adjacent to the application site.

7.26 Due to the historic importance of the overall site, Flintshire County Council produced a Development and Conservation Brief in February 2007 to provide background information on the site and to identify opportunities and constraints for new development, whilst preserving and enhancing the special character of the site.

7.27 The Infirmary wing was built in 1913 of stock brick and pressed brick facings with some terracotta features. It is evident that

terraces of lawn retained by capped stone walls were also built in front of the wing at this time probably to be used as a sitting out and convalescence area for patients. There are two WWII air raid shelters in the vicinity of the building which will be demolished as part of the enabling works for the proposed scheme. Whilst this amounts to a loss of the historic fabric, it is considered that these elements did not form part of the 2013 records undertaken on site. CPAT confirm that they have no objection to the loss of the shelters, but do request the imposition of a condition which includes the photographic recording of the shelters prior to their removal.

- 7.28 It is proposed to demolish the modern extensions. These are of little architectural merit and will assist in exposing parts of the Building. The demolitions are therefore deemed to be acceptable. The proposed redevelopment aims to conserve historic features of the buildings and sympathetically replace missing and redundant features. Internally the building has been largely modernised with little to no significant features of historic or architectural significance remaining.
- 7.29 The proposed scheme aims to convert the Infirmary building to a residential use to ensure its preservation without significantly affecting the exterior and preserving the relationship with the adjacent Listed Buildings of the Llesty Hospital site. This will be achieved by retaining the front wall and sloping grassed areas, retaining the external chimneys and internal staircases and limiting the number of new door openings in the external fabric, closure of existing door openings, retention of all original Edwardian windows, retention of the existing lead dormers to the roof and the use of cast iron rainwater goods. The open spaces will be resurfaced with the introduction of new formal planting along with discrete parking areas to the rear.
- 7.30 The conversion of the Infirmary building to residential use is therefore considered to be acceptable.
- 7.31 The proposed development of the current car park site in front of the Infirmary was considered within the Development and Design brief. The conclusion was that this could have a negative impact upon the setting of the Edwardian building behind and the brief suggests that new build development should instead be located adjacent to the former Grade II Listed Workhouse buildings. However given the Infirmary's substantially tall and wide form and considering its position on the elevated rear section of the site it is considered that there is scope for complementary residential development on the car park site, providing that this is designed in a way to complement the existing group of buildings. In agreeing to this additional proposal it should allow the overall development to work financially and ensure that the

Edwardian Infirmary is subject to a high quality restoration scheme that will see the safeguarding of the building's historic fabric. It is considered that the proposed semi-detached and terrace house types are acceptable in design terms.

7.32 Ecology

The application is supported by a number of assessments undertaken by Clwydian Ecology; the assessment pack comprises a Protected Species Report (2016), Bat Activity Survey (2018) and Bat Mitigation Report (2018).

7.33 The 2016 report confirms lesser horseshoe bats (3) are located within the darker rooms and the lift shaft, to include a Myotis sp hibernating within a wall cavity in the basement. Bat droppings occur within several areas of the building on all levels and although the building is deteriorating there are still opportunities for bats such as the enclosed chimneys.

7.34 The activity surveys have been undertaken 28<sup>th</sup> July and 24<sup>th</sup> August 2018 which records small numbers of a variety of species using the site; Brown Long Eared (BLE), Myotis sp, Lesser Horseshoe and Common Pipistrelle bats. The mitigation put forward is considered to be acceptable in principle. It involves a loft space with insulation at ceiling level, traditional sarking roof felt and an entrance to the rear. Where possible the re-use of existing timbers is desired, as BLE bats are notoriously difficult to mitigate but will use sites with existing or old timbers. The Lesser Horseshoe night roost building is acceptable as are the proposed bat boxes. The artificial hibernaculum will require a more detailed specification to ensure the cool temperatures with the right humidity.

7.35 Providing the works are undertaken in line with the Mitigation Scheme then the "maintenance of the favourable conservation status" of the species present will be maintained. NRW confirm the mitigation and the overall approach of the proposed reasonable avoidance measures are acceptable subject to the imposition of conditions.

7.36 Bats are a European Protected Species under the Conservation and Species Regulations 2010 (as amended). European protected animal species and their breeding sites or resting places are protected. It is an offence to damage or destroy a breeding or resting place of such an animal. A licence will be required to undertake the development works and to provide the mitigation. The three tests under the regulations need to be demonstrated before a licence is granted.

(1) Regulation 53(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety or other

imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”. In this case the development works are for the preservation of a heritage asset which will also involve making the building safe in terms of public safety and preserving it for future generations in the public interest. There will also be social and economic benefits in terms of construction jobs created and the creation of a mix of house types.

(2) Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”. The application site is a residential allocation within the Unitary Development Plan. Alternatives to providing residential development within Holywell have been considered through the development plan process in allocating the site. There is also the requirement under other legislation to protect Listed Buildings and buildings within their curtilage pre 1948, works are therefore required to prevent further deterioration.

(3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.” The building is deteriorating due to vandalism and exposure to the elements. The suitability of the building as a resting place for bats is therefore also declining. The restoration of the building and mitigation in the form of retention and repair to the roof space will provide a betterment and therefore improve the favourable conservation status of the bat(s) species identified.

7.37 Furthermore, The 2016 report confirms “evidence of nesting birds” within the building. Prior to development it would need to be demonstrated where the swifts and other birds, including possibly house martins nest, how disturbance of these nests can be avoided and how they can be accommodated in the converted buildings. It has therefore been agreed that mitigation for nesting House Martins and Swifts can be appropriately conditioned.

7.38 Highways

Vehicular and pedestrian access into the existing site is either from the adjacent former hospital complex, now under separate ownership, or via a narrow road entry point to the east of the main road frontage adjacent to the Old Chester Road/Halkyn Road junction. Land ownership and highways safety issues renders both of these unviable for the purposes of site access and a new road access point onto Old Chester Road has been included. The new road junction has been positioned to allow for a 2.4m x 43m

visibility splay which would be necessary when joining Old Chester Road within its 30 mph speed limit restriction.

- 7.39 In conjunction with the new access road a footpath has been introduced along Old Chester Road which will be constructed to fully adoptable standards.
- 7.40 The new central access road leads onto a transverse spine road giving access to car parking for the site frontage housing and to the parking court for the apartments within the converted former hospital building. The central access road and the spine road will be constructed to adoptable standards with the on-site junctions forming turning heads for refuse vehicles as indicated on the proposed site plan. While the existing site is elevated above Old Chester Road, and rises steeply towards the rear of the site, the new road layout has been cut-and-filled as necessary to achieve full site access at reasonable gradients. Where road gradients exceed 1:12 a skid resistant road surfacing will be used.
- 7.41 In accordance with SPGN no. 11 Parking Standards, the 2 and 3 bedroomed dwellings are to be provided with a minimum of 2 no. off road car parking spaces, and 21 no. spaces are proposed in total for the 14 apartments within the Infirmary Building. In addition to parking, cycle parking and storage is proposed to facilitate 8 cycles.
- 7.42 The application site is accessible by a range of transport methods including private and public transport. Bus stops are available in Halkyn Road and Ffordd Milwr all of which are only a few minutes walk away.
- 7.43 The Highways Authority previously raised concern regarding the full extent of the proposed layout not lending itself to highway adoption, and have suggested that the extent of the adoption should be to the rear of plot 3 and alongside plot 12. This has now been resolved by the Applicant, with only minor modifications to the road/footway road layout required, however such details can be appropriately conditioned. The Highway Authority therefore raises no objection to the development subject to the imposition of conditions and the proposed legal agreement requiring the maintenance of the estate roads and footways as the responsibility of a Management Company. .

#### Drainage

- 7.44 Dwr Cymru Welsh Water have reviewed the submitted details and consider the drainage arrangements to be acceptable in principle. A condition should be imposed in relation to the submission of a drainage scheme to include surface water which demonstrates that the existing network can suitably accommodate the proposed development site, and if necessary

to include the submission of a scheme to upgrade the existing public sewer network shall be delivered prior to occupation of any dwelling.

#### Affordable Housing

7.45 Affordable housing provision was not initially included as part of the scheme, nor had the Applicant made a reasoned justification in the absence of and in accordance with UDP policy HSG10. Working with the Housing Strategy Manager the Applicant has agreed to an appropriate level of provision to ensure compliance.

7.46 A proposed development of this size (29) would generate a need to provide 8 no. affordable units. Whilst I appreciate that there is an identified need in the area for affordable ownership and rent, I am mindful of the type and arrangement of housing being proposed on this site, and the need to ensure affordable units are pepper potted/designed into the scheme.

7.47 It is understood that apartment style housing is not the most desired, as the benefits of a private garden are not always afforded to this type unlike that of a dwelling. Therefore, to meet the 30% requirement of 8 no units, the site layout would dictate that an entire row of the proposed terrace new builds would be committed as affordable housing. This is not considered to be good planning or design, and would be contrary to UDP policy HSG9 Housing Mix and Type.

7.48 The 30% provision has therefore been agreed to be provided in the form of 2 no. 3 bed units to be gifted, and 2 no. 2 bed units to be affordable ownership. This level of provision is far easier to design into a scheme such as this, and is considered to be commensurate given the type and mix of units being proposed. The proposed 4 units will be dwellings and will therefore benefit from private rear amenity space and parking, suitable for family occupation.

7.49 Members are advised that in the case of gifted units, this would be the equivalent of 3 no. standard affordable dwellings. The Housing Strategy Manager confirms that they support the level and type of provision being provided. As such the provision will be secured by the proposed legal agreement.

#### Residential Living Conditions of neighbouring occupiers

7.50 Whilst the application has not received any representations, it is still necessary to ensure the residential living conditions of both existing and future occupiers is safeguarded and maintained.

7.51 The site layout as shown indicates that there would be separation distances in excess of the standards set out in SPGN no.2 Space Around Dwellings, between existing dwellings on nearby



residential areas, such as The Beeches and any apartment units within the Infirmary and new properties on the site. It is not considered that there would be any significant impact on residential living conditions from the new development when completed.

- 7.52 Planning conditions can be imposed which attempt to control any potential disruption to nearby residential areas during the construction phases, such as the proposed Construction Traffic Management Plan. It is therefore considered the proposal does not significantly impact on the residential living conditions of neighbouring occupiers.

Residential Living Conditions for future occupiers

- 7.53 The space within the new scheme enables private garden areas and parking areas to be provided. This ensures adequate levels of useable outdoor space and parking for any future residents.

- 7.54 In terms of interface distances between proposed dwellings within the site these broadly meet the requirement of the SPGN. The site is sloped and the layout and design of the new housing reflects that and the dwellings have been laid out either side of the infirmary building to minimise overlooking. It is therefore considered that the proposal would provide a sufficient amount of privacy within the dwellings and garden areas to allow the future occupiers to enjoy a reasonably undisturbed level of living conditions.

S106 and CIL Compliance

- 7.55 The infrastructure and monetary contributions that can be required from proposals have to be assessed under the 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.

An off-site commuted sum of £1,100.00 per (£733.00 per affordable/apartment) dwelling in lieu of on-site provision. The total sum is to be equally split to improve toddler play provision and teenage recreation at Fron Park and Holway Play Area, Holywell. This is in accordance with Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have

not been 5 contributions towards these projects to date.

It is considered that this meets the Regulation 122 tests.

## **8.0 CONCLUSION**

It is considered that the proposed scheme provides a scheme of conversion and new build which will provide a long term viable reuse of the Listed Buildings without significantly comprising the historic character of the Listed Buildings. The proposed scheme will also deliver a housing allocation in the UDP and will contribute to the housing land supply in a sustainable location.

It is considered that the relevant issues arising from the proposal have been satisfied, and I therefore recommend that planning permission is granted subject to conditions and the completion of a legal agreement as set out within paragraph 2.01 of this report.

### 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.

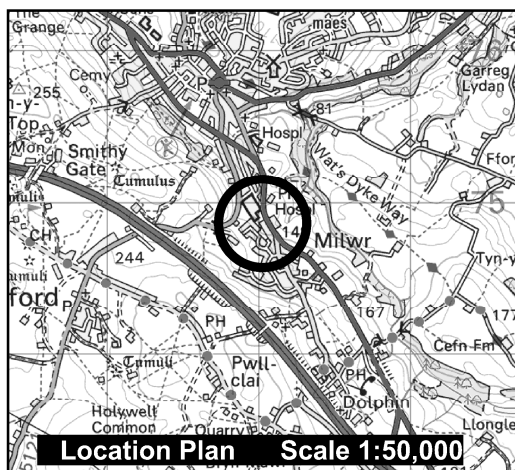
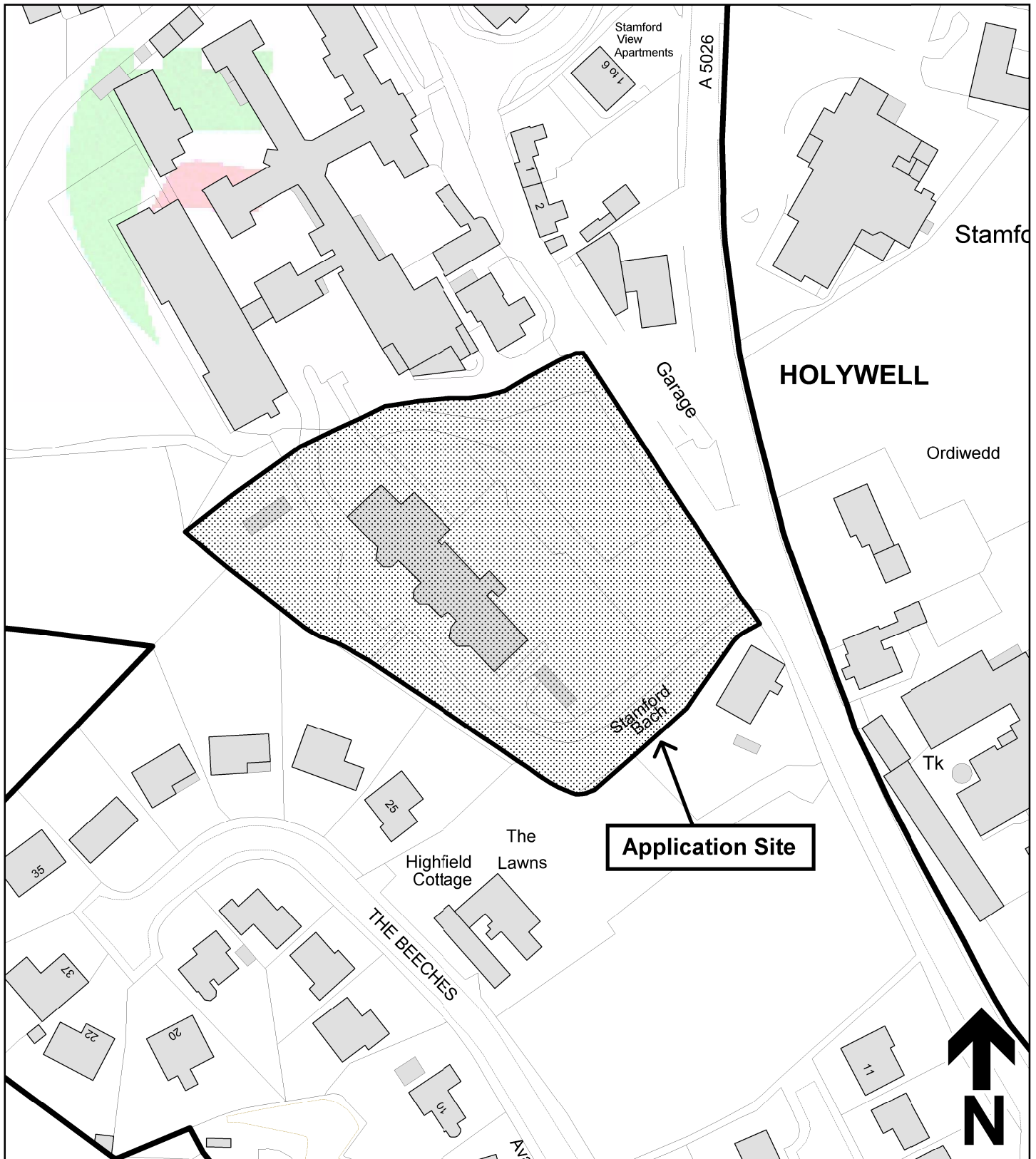
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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:** Katie H Jones  
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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 1874

Planning Application **57006**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.5

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>RD</sup> APRIL 2019**

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

**SUBJECT:** **FULL APPLICATION – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 NO. TOWN HOUSES AND GARAGES AND CONSTRUCTION OF NEW VEHICULAR ACCESS AT PARKFIELD, LLANASA ROAD, GRONANT.**

**APPLICATION NUMBER:** **059124**

**APPLICANT:** **MR SELWYN LLOYD**

**SITE:** **PARKFIELD, LLANASA ROAD, GRONANT, LL19 9TH**

**APPLICATION VALID DATE:** **17<sup>th</sup> OCTOBER 2018**

**LOCAL MEMBERS:** **CLLR SIAN BRAUN**

**TOWN/COMMUNITY COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO CONCERNS OF CHARACTER AND APPEARANCE AND HIGHWAY ISSUES**

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

### **1.00 SUMMARY**

1.01 This full application proposes the demolition of existing dwelling and erection of 3 No dwellings and associated works on land at Parkfield, Llanasa Road, Gronant.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of onsite recreational provision. They payment would be used to enhance toddlers play provision Gronant Play Area.
- 2.02 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above, if not completed within six months of the Committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.
- 2.03
1. Time limit on commencement of development.
  2. In accordance with approved plans.
  3. Samples of materials to be submitted and approved.
  4. A Construction Management Plan to be submitted and approved prior to commencement.
  5. The proposed bat avoidance, mitigation and compensation measure shall be implemented in full.
  6. Long term bat surveillance scheme to be submitted and approved.
  7. External lighting to be submitted and approved
  8. Ecological Compliance Audit scheme to be submitted and approved.
  9. Works associated with the development hereby approved shall not take place during the breeding bird season
  10. The work will be undertaken in accordance with the reasonable avoidance measures and mitigation submitted.
  11. The proposed access shall have a visibility splay of 2.4m x 43m in a westerly direction measured along the nearside edge of the adjoining carriageway and 2.4m x 43m in an easterly direction measured 1.0m out from the nearside edge of the adjoining carriageway and shall be over land within the control of the Applicant and/or Highway Authority and within which there shall be no significant obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.
  12. Facilities shall be provided and retained within the site for the parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use
  13. No development to commence until land contamination survey has been submitted and approved. Mitigation where necessary
  14. No development to commence until a drainage scheme has been submitted and approved.
  15. No development to commence until existing and proposed site levels, including finished floor levels and garden levels have been submitted and approved.
  16. No development to commence until details of any new or altered retaining structures have been submitted and approved.
  17. No development to commence until a landscaping scheme has been submitted and approved.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member: Cllr Braun**

Raises the following concerns:

- The houses are not in keeping with the surrounding dwellings which are mostly bungalows.
- Overdevelopment of the site
- Access to the site is from a busy road and is likely to cause accidents

#### Llanasa Community Council

The Community Council objects to the proposed on the grounds that this plot would be overdevelopment as it is considered to be too small for three dwellings. In addition, vehicular access at this narrow point on Llanasa Road would be considered dangerous.

#### Highways Development Control

Any permission includes the following conditions

1. The proposed access shall have a visibility splay of 2.4m x 43m in a westerly direction measured along the nearside edge of the adjoining carriageway and 2.4m x 43m in an easterly direction measured 1.0m out from the nearside edge of the adjoining carriageway and shall be over land within the control of the Applicant and/or Highway Authority and within which there shall be no significant obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.
2. Facilities shall be provided and retained within the site for the parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.

#### Community and Business Protection

Any permission includes a condition requiring the submission of a land contamination survey prior to the commencement of development.

#### Aura

In accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £1,000.00 per dwelling in lieu of onsite provision. The payment would be used to enhance toddlers play provision at Gronant Play Area. Working with Planning Policy we have considered previous pooled contributions and they confirm that the pooled contributions thresholds have not been exceeded with regards to Gronant Play Area.

#### Welsh Water/Dwr Cymru

Request that any permission includes a condition requiring the submission of a drainage scheme prior to the commencement of development.

## Natural Resources Wales

Request that any permission includes a conditions relating to both the protection of bats and the submission of an ecological compliance audit.

### **4.00 PUBLICITY**

#### 4.01 Site Notice and Neighbour Notification

12 letters of objection raising the following points:

- The proposal is not in keeping with the surrounding dwellings which are mostly bungalows.
- Overdevelopment of the site.
- Access to the site is from a busy road and is likely to cause accidents.
- Overlooking into the private amenity space.
- Loss of light to the neighbouring dwelling.
- Adverse noise levels due to the increased residential use.
- Potential for increase parking on Llanasa Road.
- Mining operation on the site.
- Drainage details not provided.
- Devalue existing property prices.
- Removal of existing vegetation will spoil outlook and may be disruptive to local wildlife.
- Infrastructure in the village is nor adequate for any further housing.

### **5.00 SITE HISTORY**

5.01 There is no relevant site history.

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy STR 8 – Built Environment

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location and Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy TWH1 – Development Affecting Trees and Woodland

Policy WB1 – Species Protection

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.



Policy HSG8 – Density of Development.  
Policy HSG9 – Housing Mix and Type  
SR5 – Outdoor Playing Space and New Residential Development  
Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Supplementary Planning Guidance Note 2 – Space About Dwellings.  
Supplementary Planning Guidance Note 13 – Open Space Requirements.  
Supplementary Planning Guidance Note 22 – Planning Obligations.  
Supplementary Planning Guidance Note 11 – Parking Standards

Planning Policy Wales – Edition 10 December 2018

**7.00 PLANNING APPRAISAL**

**7.01 Introduction**

This full application proposes demolition of existing dwelling and the erection of 3 No dwellings along with associated on land at Parkfield, Llanasa Road, Gronant. The site the subject of this application amounts to approximately 0.08 hectares in area and comprises detached bungalow which is located adjacent to an allocated open space between Llanasa Road and Public Footpath No.85.

**7.02 Proposed Development**

The plans submitted as part of this application propose the erection of a mews of three attached dwellings which vary in levels following the existing contours of the land. It is proposed that the site is accessed from Llanasa Road with the dwelling sited perpendicular to the highways. The proposed dwellings would have a ridge height of approximately 8.2 m and be constructed having facing brick and timber external walls with a natural slate roof.

**7.03 Main Planning Issues**

It is considered that the main planning issues in relation to this application are as follows:-

- The principle of development having regard to the planning policy framework;
- Proposed scale of development and impact on the character of site/surroundings;
- Adequacy of access to serve the development;
- Impact on protected species;
- Impact on privacy/living conditions.

**7.04 Planning Policy**

The site is located within the settlement boundary of Gronant as defined in the Flintshire Unitary Development Plan which is classified as a Category B settlement. The principle of development for market housing

is considered to be acceptable at this location subject to the proposal not resulting in tandem development or overdevelopment in relation to the character of the site and surrounding area.

- 7.05 The proposed site is considered to be a sustainable location within walking distance of education and community facilities provided within the village along with a number of bus-stops providing links to Prestatyn, Rhyl, Holywell, and Flint. Given the proposal will result in a net increase of 2no dwellings, it is considered that the proposed development will not have a significant adverse impact on the existing facilities within the village.
- 7.06 The scale of Development/Impact on Character of Site/Surroundings.  
It is considered that the proposed development of 3 No. dwellings on 0.08 hectares would not represent an overdevelopment of the site. The proposed density of 37.5 dwellings per hectare would be in excess of 30dph which HSG8 outlines is expected to be achieved on unallocated housing sites with category B settlements. However, it is considered that this makes the most efficient use of available land within the settlement and the density proposed reflects the character of the surrounding area such as Gwel Y Mor which located close to the proposed development. It is therefore considered the proposal accords with policy HSG8.
- 7.07 The proposal allows for a shared parking area to the front of the dwelling accommodating 4 parking spaces, two garages, and areas of landscaping. Two of the proposed dwelling are afforded side and rear gardens which provide amenity space in excess of the guidelines outlined with SPGN2. Whilst the garden depths are below that recommended within SPGN2, the rear elevation will be facing allocated open space and therefore neither the existing nor proposed dwelling will be adversely affected by the reduced garden depths.
- 7.08 The character of existing development is defined by a mix of detached and semi-detached properties set within a range of different depths of residential curtilages. The site has no immediate adjoining existing dwellings as it is bounded on two sides by the highway and a footpath/access, and on the other by open countryside. The nearest residential properties are larger however there are examples of terraced properties located within the village which have a similar density of development. The proposal offers a smaller unit of accommodation than the immediate surrounding dwellings, however, this variety is considered to be reflective of the village and provides a positive housing mix. In addition, the use of high-quality materials such as slate, brick, and timber is further reflective existing character of the area. It is considered that the scale/form/design of the development proposed would be reflective of and sympathetic to this existing character and would not represent overdevelopment at this location. It is therefore considered the proposal complies with Policies HSG3, HSG8 and HSG9

7.09 Impact on Privacy/Living Conditions

Of particular importance in consideration of this application is ensuring that both the privacy and living conditions of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development. Having regard to the layout proposed there are no facing habitable room windows between proposed and existing dwellings which breach the guidance set out in SPGN2. There is one window proposed to serve a non-habitable room on the side elevation of plot 3. A condition requiring the window to be obscurely glazed and non-opening below 1.7m from FFL will ensure that there is no adverse overlooking. It is therefore considered that no direct overlooking of existing properties will occur which would significantly adversely affect the normal enjoyment of the dwelling house and garden.

7.10 The closest existing dwelling, Glas-for is located 14m from the flank elevation of the proposed development which will be screened by an existing boundary treatment across the public footpath and access track. SPGN2 seeks to secure 12m separation in such circumstances. Whilst some of the site is at a higher level than the dwellings stepped up away from Glas-for, following the contours of the land.

7.11 Having regard to the layout and levels proposed it is considered that the proposal will not have a significant adverse impact on the outlook of the adjacent dwelling. It is concluded that the privacy and outlook of existing/proposed occupiers would be safeguarded in broadly accordance with Local Planning Guidance Note 2 – Space About Dwellings.

7.12 Highways Safety

Concern has been raised regarding the proposed access and number of parking spaces. Highways Development Control has been consulted on the application and raised no objections to the amended highways layout subject two conditions as outlined above. In terms of parking provision, SPG11 sets out guidelines the number, size, and design of parking provision for new development. Spaces should measure 4.8 m x 2.4 m with 2 parking spaces required for a 3 bedroomed dwelling. The proposed development provides 4 parking bays and 2 garages which meet the requirements of SPG11.

7.13 Impact on Protected Species and Existing Vegetation

Concern has been raised by third parties in relation to the removal of vegetation on the site along with the potential impact on wildlife. Given the proposal includes the demolition of a building and the removal vegetation, a protected species survey was submitted with the application. The report outlines that there was no evidence of bat activity within the loft space. Emergence surveys were undertaken 9th and 23rd August and dawn survey 6th September which identified up to 67 Soprano Pipistrelles and 17 Common Pipistrelles roosting under the shiplap boarding on both gable ends of the bungalow. The site is bounded by native hedges and is adjacent to an overgrown paddock

providing dark corridors and good feeding habitats. None of the trees on the site have any protection and no objection has been received from either the Counties Tree Officer or Ecologist for their removal.

7.14 Consultation has taken place with the County Ecologist and NRW who both consider that the mitigations and recommendations are acceptable which includes bat mitigation features on the proposed garages and some of this information is included on the amended layout and landscaping plan. The report includes additional information with regards to the garage construction which includes cold roof construction with the use of traditional bitumastic underfelt which should ensure there is no impact on the roosting bat population.

7.15 Conditions have been included to ensure that implementation of the bat protection and mitigation measures, along with the submission of a landscaping scheme to ensure existing vegetation is retained or replaced where possible.

7.16 Pollution

The proposed development is in an area with an extensive lead mining history and there are old shafts close to the site. I have been advised by the Contaminated Land Officer that other investigations in this area show that there is considerable justification that contamination could be present in all or part of the site. Additionally, the proposed development which includes residential accommodation could be particularly vulnerable to the presence of contamination. Therefore a condition requiring submission of a land contamination survey prior to the commencement of development will be required.

7.17 In addition, concern has been raised regarding the potential for increased noise due to the number of dwellings on the site. It is considered that whilst the proposal will lead to more vehicle movements along with domestic noise, this will not have a significant adverse impact upon the neighbouring properties. The application has been subject to consultation with Environmental health who have raised no objection to the proposal on noise impact grounds.

7.18 Drainage

Concerns have been raised in relation to the site drainage of both foul and surface water. The proposal has undergone consultations with both Welsh Water/Dwr Cymru and the Councils drainage section. No formal objection has been received subject to a condition requiring the submission of a drainage scheme prior to development.

7.19 Public Open Space

The infrastructure and monetary contributions that can be required from proposals have to be assessed under the 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.

7.20 An off-site commuted sum of £1,100 per unit in lieu of on-site provision to improve facilities at Gronant Play Area is required. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.

7.21 Other Issues

Concerns have been raised regarding the proposal impact on property values. It is considered that this is not a planning matter.

**8.00 CONCLUSION**

In conclusion, it is my view that the proposed scale/form of development would not have an adverse impact on the character of the site and surroundings. Consultation on the application has been undertaken with the Highway Development Control Manager who raises no technical objection to the proposed development. The p[proposal is therefore considered acceptable subject to the conditions and Open Space contribution outlined section 2 above.

8.01 Other Considerations

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

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

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

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

**LIST OF BACKGROUND DOCUMENTS**

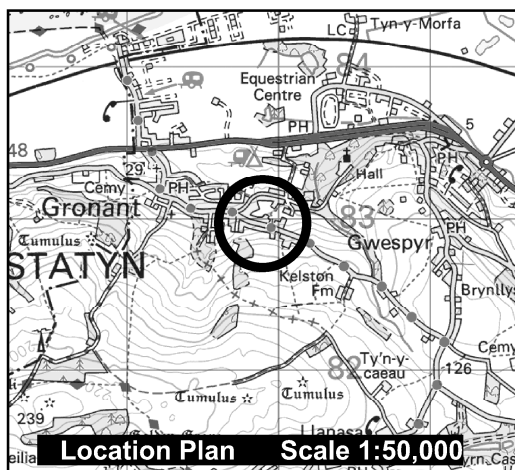
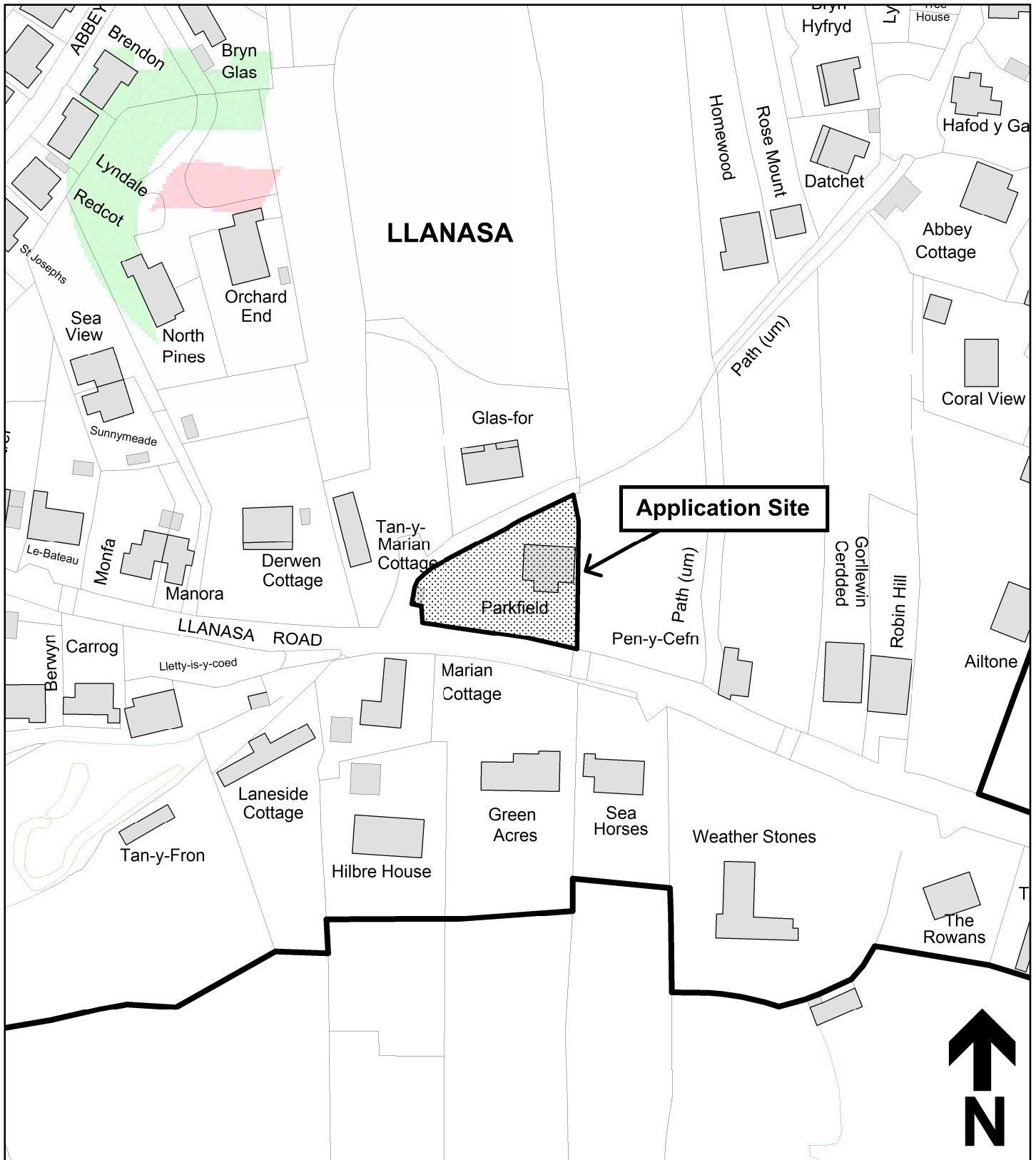
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** Daniel McVey  
**Telephone:** (01352) 703266  
**Email:** Daniel.mcvey@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 0982

Planning Application **59124**

Mae'r dudalen hon yn wag yn bwrpasol



# Eitem ar gyfer y Rhaglen 6.6

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>RD</sup> APRIL 2019**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF A DETACHED DWELLING AND GARAGE (RETROSPECTIVE) AT THE SPINNEY, HUXLEYS LANE, HOPE.**

**APPLICATION NUMBER:** **059428**

**SITE:** **THE SPINNEY  
HUXLEYS LANE  
HOPE**

**APPLICATION VALID DATE:** **29 JANUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR MRS. G HEALEY**

**TOWN/COMMUNITY COUNCIL:** **HOPE COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO CONCERNS ABOUT CHARACTER, APPEARANCE AND LIVING CONDITIONS**

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

### **1.00 SUMMARY**

- 1.01 This is a full retrospective planning application for the erection of a dwelling and garage on land adjacent to The Spinney, Huxley's Lane, Hope. This application is seeking consent for alterations to the design and appearance of the new dwelling.
- 1.02 Members will recall that the principle of a dwelling on the site has been established by virtue of planning permissions previously granted upon this site. (See Paragraph 5.01) This application essentially seeks retrospective consent for an amended window pattern and the introduction of accommodation within the roof space of the dwelling itself.

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

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

Conditions:

1. In accordance with approved plans.
2. Within 3 months of the date of permission, and prior to occupation, details of obscure glazing & non opening to be submitted, agreed and installed to specified windows.

**3.00 CONSULTATIONS**

3.01 Local Member:

Requested this application to be determined by committee. Considers this a retrospective application for a development that is in breach of the planning permission given.

Hope Community Council:

No response received at time of writing this report.

Highways DC:

Confirms that there is no objection to the proposal and does not wish to make a recommendation on highway grounds. In addition requests the attachment of supplementary notes as part of any planning consent which may be granted.

Public Rights of Way:

Public Footpath 61 abuts the site but is unaffected by the development. The path must be protected and free from interference from the construction.

Clwyd-Powys Archaeological Trust

Confirms that the retrospective development has been built on land to the west of an unscheduled section of Wat's Dyke. The Sub-surface remains of the dyke have not been impacted by the development as they lie immediately to the east in the adjacent plot under the lane.

CADW:

Raises no objections to the impact of the proposed development on the scheduled monuments listed in our assessment of the application.

**4.00 PUBLICITY**

4.01 Neighbour Notification

3 letters of objection have been received upon the following grounds;

- Whilst the principle of a two storey dwelling has been considered acceptable, current proposals is a three storey dwelling;
- The proposal appears over dominant in relation to existing premises upon of The Beeches;
- The proposal is not reflective of the character of the area; and
- The proposal affords overlooking opportunities which would result in harm to residential amenity of existing adjacent residents.

## **5.00 SITE HISTORY**

5.01 **053479** - Outline application for the erection of a dwelling. Approved 21.05.2015

**056859** – Erection of a detached dwelling and garage. Approved 06.10.2017

**057792** - Erection of detached dwelling and garage, revised house type. Approved 01.03.2018

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 – Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

AC2 – Pedestrian Provision and Public Rights of Way

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

HSG13 – Annexe Accommodation

Supplementary Planning Guidance Notes

LPGN 2 – Space Around Dwellings

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## **7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full retrospective planning application for the erection of a detached dwelling and detached garage on land adjacent to The Spinney, Huxley's Lane, Hope. The development has been

completed but is not in accordance with the plans previously approved under reference 057792. This issue was raised via the Council's Planning Enforcement Service and following investigation, this retrospective application is submitted seeking to regularise this position.

7.02 Site Description

The application site is located off Huxley's Lane off Hawarden Road, Hope. The application site was part of the garden of the Spinney, which is a bungalow located to the north of the application site. To the west of the site are the dwellings upon the road known as 'The Beeches', which are two storey detached dwellings. To the south of the site is a two storey dwelling known as The Woodlands. To the east of the application site is a single storey cottage Bryn Tudor.

7.03 The dwelling to which is application relates is already constructed and occupies a position abutting the northern and westerly boundaries of the site.

7.04 Proposed Development

As mentioned above, the application is retrospective and relates to a dwelling and garage erected upon the site. The dwelling is 2 storey in appearance and scale but provides for accommodation over 2 floors and within the roof space. The proposals also provide for ancillary space above the detached garage.

7.05 Principle of Development

The application site is within the settlement boundary of Hope, Caergwrle, Cefn-y-Bedd and Abermorddu which is a Category B settlement in the adopted Unitary Development Plan. Planning permission was granted in October 2017 and revised house type was approved in March 2018 therefore the principle of development at the site has been accepted.

7.06 The Main Issues

It is considered that the main issues for discussions in this application are:

- The impact of the amended proposal upon the character and appearance of the surrounding area; and
- The impact of the proposal upon the living conditions of the occupiers of existing adjacent dwellings.

7.07 Impact on the character of the area

Concerns have been raised in response to consultation in relation to the impact of the dwelling upon the character and appearance of the area. It is outlined elsewhere in this report, planning permission has been granted previously for the erection of a detached 2 storey dwelling upon this site. It should be noted that the previous approval

provided for a dwelling of some 131m<sup>2</sup> in area, which measured 8m to the ridgeline of the roof and a roof depth of some 3.3m.

- 7.08 The dwelling as constructed, occupies the same position within the site and in relation to surrounding properties as that which was previously approved. The floor area of this dwelling is exactly the same as the previously approval and there is no variation to the footprint of the same. The dwelling which has been built is 8.2m to the ridgeline, which represents an increase in height above that previously approved of 0.2m. However, the roof depth remains some 3.3m.
- 7.09 Accordingly, whilst there is a difference between that approved and that constructed, the issue to consider is the extent to which this 0.2m increase in height represents a form of development which adversely affects the character of the surrounding area. The surrounding area comprises a mix and variety of sizes and appearance in terms of built form, with no one design being prevalent. As such, the area cannot be defined as having a particular design of dwelling or definite character in terms of appearance.
- 7.10 The dwelling to which this application relates is of the same footprint and floor area, and located in the same position within the plot as that scheme previously considered acceptable. Whilst the ridgeline is marginally higher than that approved, in terms of the overall external appearance, scale and massing of the building as constructed versus that previously approved, the difference and consequent impact is not materially different.
- 7.11 Consequently it is not considered that this proposal, if allowed, would result in a form of development which would result in overdevelopment in relation to the character of the site and surroundings area. The proposal is therefore not consider harmful to the character and appearance of the area and is compliant with FUDP policies.
- 7.12 Impact upon Living Conditions of Neighbouring Occupiers  
Concerns have been raised in relation to the introduction of windows within the gables of the dwelling which in turn have facilitated the provision of further accommodation within the roof space. The introduction of these windows has allowed for the creation of a games room space with storage and ancillary utility/W/C facilities. It has been drawn to my attention that marketing details indicate this space to provide further bedroom accommodation/games room. This space is accessed via a stairway integral to the dwelling from the first floor.
- 7.13 It is clear that the insertion of the windows in the gable has to some extent facilitated the creation of additional accommodation. However, it should be noted that the insertion of additional windows within upper floors of dwellings amounts to permitted development, subject to

compliance with a number of conditions. This permitted right provides that if any element of an upper-floor window located in a wall, roof slope or other element of a side elevation of the dwellinghouse would, if projected downwards in a vertical line to ground level, be within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant wall or roof slope, then the window must be, in this case:

- (i) obscure-glazed;
- (ii) non-opening; and
- (iii) permanently maintained in compliance with the above

7.14 The condition subject to which this right is conferred requires that obscure glazing be to be a minimum of level 3 and stipulates that obscure glazing does not include one-way glass.

7.15 In assessing the impacts of the insertion of the accommodation within the roof as, were it not for the marginal increase in ridge height, and subject to the above condition, this element of the proposals would not have required planning permission.

7.16 It is recognised the concerns raised in respect of perceptions that a greater degree of overlooking is facilitated, with consequent impacts upon the living conditions of neighbouring occupiers. However, it is considered that the application of a condition requiring these windows to be obscure glazed to a minimum level of 3, non-opening and retained as such in perpetuity addresses these concerns and is consistent with national guidance in respect of such situations which would otherwise represent permitted development.

7.17 Concerns have been raised that this additional space maybe occupied entirely independently of the remainder of the dwelling. As It has been detailed previously, the accommodation can only be accessed via the main dwelling. Accordingly, the accommodation would represent annexe or ancillary accommodation to the main dwelling. Members are reminded that Policy HSG13 of the Flintshire UDP provides support for such proposals.

7.18 I turn to consider the relationship between the proposal and the neighbouring dwellings in turn;

- 7.19
- The new dwelling and 'The Spinney'.

The Spinney is a detached bungalow. The dwelling, as constructed, has a window arrangement different to that previously approved. The proposed changes to the window positions are such that the number of windows in the rear elevation of the dwelling which faces the Spinney is increased. At ground floor level, the approved situation of a door with side window, three pane window to the kitchen and French double doors is amended to provide for a doorway with no side window; and 3No. window openings. At first floor, a small secondary

window to Bedroom 3 is introduced. Within the roof, 4No. rooflights are proposed.

7.20 The separation distance between the Spinney and the proposed dwelling is 22 metres. I note that the introduction of windows to habitable rooms at first floor level (bedroom) and within the roofspace may give rise to an increased risk of overlooking. However, I am satisfied that, with regard to the bedroom window at first floor level, the imposition of a condition which requires this window to obscure glazed and non-opening will address this issue. I have had regard to the roof lights within the roof space and whilst the guideline separation of 22m, as set out within LPGN 2 is achieved, I consider it appropriate to also require these windows to be obscure glazed and non-opening to ensure that the potential for adverse overlooking is addressed.

7.21 • The new dwelling and 'Woodlands':

The principle elevation of the new dwelling faces south towards the flank elevation of the 2 storey dwelling, 'Woodlands'. The windows within this flank wall do not serve habitable rooms. The window changes in this elevation are such that the central portion of this elevation is a full height glazed space. However, this does not serve a habitable room and the distance between the elevation and 'Woodlands' remains at 19m, As there is no direct overlooking between habitable windows, the proposal is in accordance with LPGN2 - Space around dwellings.

7.22 • The new dwelling and dwellings on 'The Beeches'.

Dwellings upon this road are 2 storey in height. The new dwelling has French doors serving the kitchen dining room which have been relocated to the side elevation facing 'The Beeches'. A small secondary window to the lounge has also been inserted. Additional bedroom and storage room windows have been inserted at first floor level and a single three pane window inserted within the gable to serve the roof accommodation. The previously approved scheme provided for a window to an en-suite at first floor level in this elevation. These amendments result in the introduction of 6No. windows to habitable rooms.

7.23 However, it must be noted that the side elevation to the new dwelling is located such that overlooks the public spaces of the properties on 'The Beeches', namely the open front garden areas and the road itself. The dwellings upon 'The Beeches' which abut the site are No's 28 and 30. No. 30 is located in a set-back position relative to the side elevation such that there is no direct overlooking between the properties. The separation distance between the nearest points of each dwelling is 19.5m. No.28 The Beeches has a blank wall and is also set further back from the proposed dwelling. The separation

distances between the dwelling to which this application relates and No. 28 is 11.5m where the LPGN would look for 12m. As N0.28 The Beeches presents a blank gable to the windows in the new dwelling there is no significant overlooking created from the new dwelling.

7.24 The guidance of 12m is also to ensure there is sufficient outlook for the occupiers of the new dwelling. It is considered that the shortfall of 0.5m would not unreasonably harm the living conditions of the proposed occupiers of the new dwelling. Concerns in relation to the windows within the roof space have been considered at paragraph 7.16. Therefore it is considered that the relationship between the new dwelling and the properties on The Beeches is acceptable.

- The new dwelling and 'Bryn Tudor'

7.25 Bryn Tudor is a single storey cottage. The side of the approved dwelling facing Bryn Tudor provided for a window at ground floor serving a study and first floor window to an en-suite. The proposals seek approval for amendments which introduce a set of French doors to a sitting room and a small window to the utility at Ground floor level; a further bedroom window at first floor level; and 2no. single pane windows to the W/C Utility space within the roof accommodation

7.26 At ground and first floor levels, overlooking is prevented by the detached garage located between the side elevation and Bryn Tudor which obscures the outlook from the new dwelling. The separation distance amounts to some 19m the LPGN guidance looks to secure 22m however it is considered that the difference in levels between the sites and the physical separation created by the garage ensures there is no harmful overlooking creating from the new dwelling. Concerns in relation to the windows within the roof space have been considered at paragraph 7.16.

Consequently although the arrangement of windows has changed and further windows have been added the distances between the windows in the new dwellings and the windows in the surrounding dwellings accord with our LPGN. It is therefore not considered that this proposal, if allowed, would result in a form of development which would have a significant adverse impact on the living conditions of existing adjacent occupiers.

## **8.00 CONCLUSION**

8.01 The principle of a dwelling on the site has been established via previous grants of planning permission. Whilst this application is retrospective, I consider that measures can be put in place via appropriately worded conditions which address any concerns in respect of harm to amenity or living conditions. There is no discernible harm occasioned to the character or appearance of the area and therefore I conclude that conditional planning permission should be granted in this case.



8.02 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.

8.03 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.

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

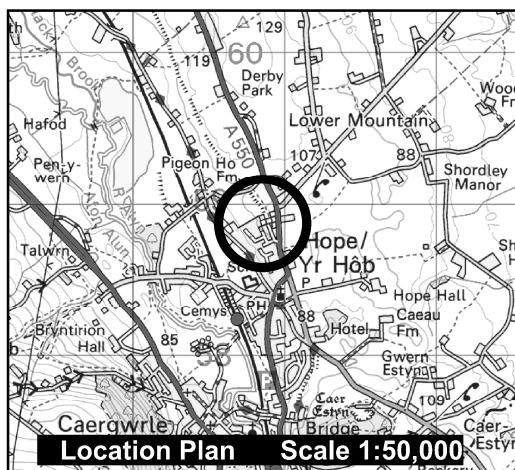
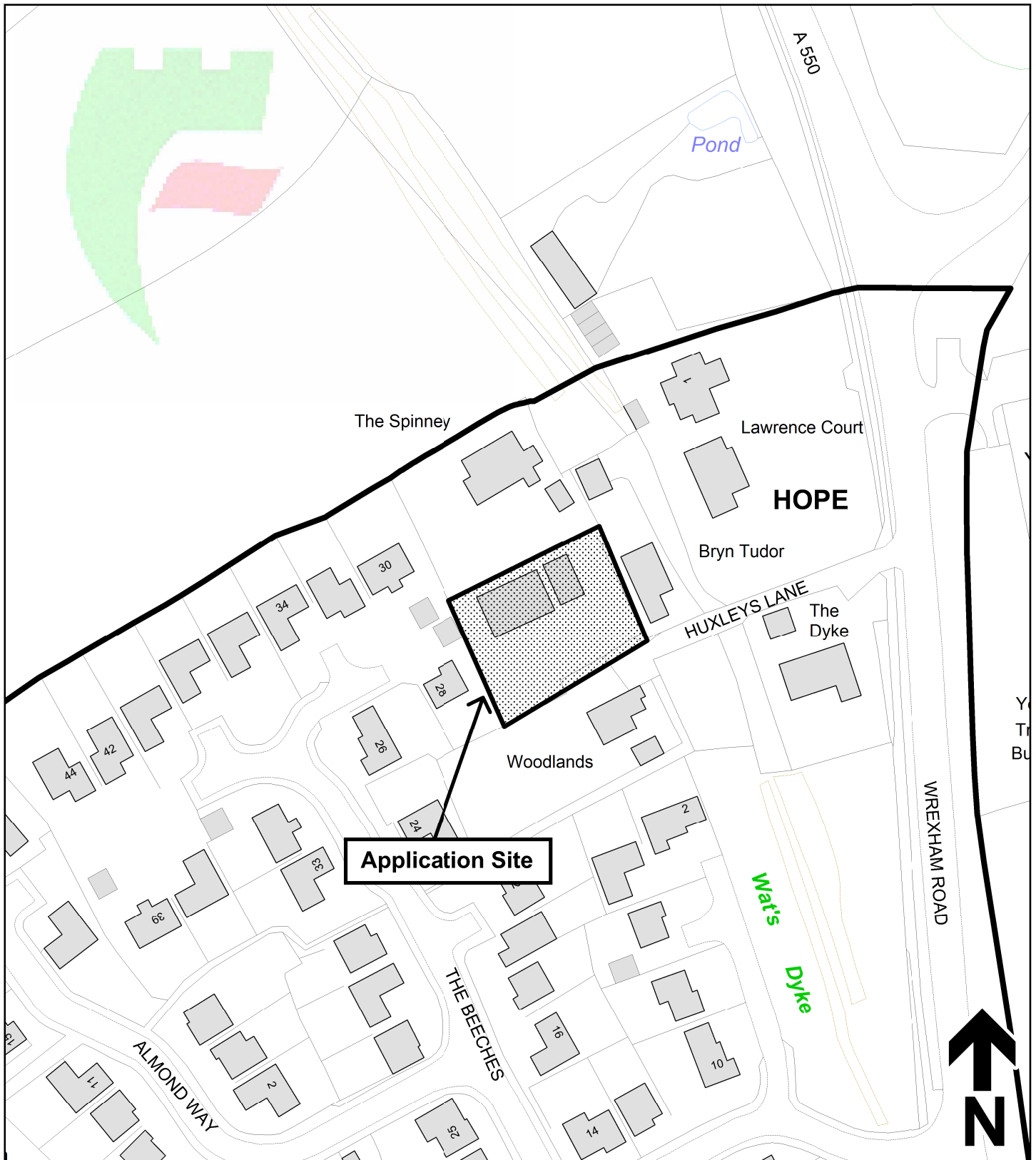
8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

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Mae'r dudalen hon yn wag yn bwrpasol



Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

Tudalen 99

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Map Scale 1:1250

OS Map ref SJ 3058

Planning Application **59428**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.7

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>RD</sup> APRIL 2019**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF TWO STOREY EXTENSION AT 16 PRIORY CLOSE, PENYFFORDD.**

**APPLICANT NAME** **MR. C. WORTHINGTON**

**APPLICATION NUMBER:** **059431**

**SITE:** **16 PRIORY CLOSE , PENYFFORDD, CH4 0JB**

**APPLICATION VALID DATE:** **23.01.19**

**LOCAL MEMBERS:** **COUNCILLOR D.T.M. WILLIAMS**  
**COUNCILLOR C. HINDS**

**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST – CONSIDERS THAT THE EXTENSION IS INAPPROPRIATE. ALSO HAS CONCERNS THAT THE DEVELOPEMNT WILL GIVE RISE TO PARKING PROBLEMS WITHIN THE CUL-DE-SAC.**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This house holder application seeks consent for the erection of an extension above the existing single storey attached garage , to create a second storey and a slight increase in the size of the existing footprint of the building at 16 Priory Close, Penyffordd, Nr Chester.

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

2.01 Conditions:

1. Time limit for commencement of development.
2. Built in accordance with the approved plans.
3. Removal of Permitted Development Rights for further openings within the side elevation.

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor D.T.M. Williams

Considers that the proposals do not make adequate provision for space around dwellings and separation distances. Has concerns that the proposed extension would not provide adequate separation between the dwelling (as extended) and existing adjacent dwelling. Has concerns that extension has potential adverse impacts upon parking within the cul-de-sac.

Councillor Mrs C. Hinds

Requests committee determination. Has concerns in respect of the proposed form of extension and potential adverse impacts upon parking within the cul-de-sac.

Penyffordd Community Council

Objects due to strong concerns of the impact of the development on street parking, pedestrian safety and the impact upon neighbours who have a shared driveway.

Highways DC

No objection to the proposal.

Community and Business Protection

Have no adverse comments to make regarding this proposal.

Natural Resources Wales

Recommend that in house ecologist determine if there is a reasonable likely hood of bats being present within the application site.

On this recommendation I have consulted with the County ecologist and its been confirmed that the records of bats in the area are old (2003) and there are no updated records, in view of this they have recommended that a note to applicant with regard to bats is attached to any formal planning consent that may be issued.

## **4.00 PUBLICITY**

### 4.01 Neighbour Notification

As a result of the above publicity two letters of objection have been received raising the following matters:-

- Submitted plans are not to scale
- Raises a variety of concerns in relation to access and parking implications arising from the proposals.
- Loss of garage leads to loss of parking
- Concern that the visual impact of the development in this head of cul de sac and elevated position, will dominate and make the existing property seem excessive.
- Land ownership concerns

## **5.00 SITE HISTORY**

5.01 No previous planning history

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN1 - General Requirements for Development  
HSG12 - House Extensions and Alterations  
D2 – Design

SPGN 1 – Extensions & Alterations to Dwellings  
SPGN 2 – Space Around Dwellings  
SPGN 11 – Parking Standards

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This house holder application seeks consent for the erection of a two storey extension over the existing single storey attached garage. As part of the scheme it is proposed to extend the footprint of the existing garage by 500m from the existing side wall of the garage.

### 7.02 The Site and Surroundings

The existing property is a two storey detached property, with a single storey attached single garage. The application site is set at the head of an established residential cul-de-sac of similar style, design and scale of detached two storey dwellings.

### 7.03 The Proposal

The proposal provides for the demolition of the existing single storey side garage extension and replacement with a 2 storey side extension to provide a study, utility room and w/c at ground floor and bedroom with en-suite at first floor level. Provision is made across the frontage of the dwelling for 3no. car parking spaces.

7.04 The Main Issues

The main issues for consideration in respect of this proposal are;

- The design of the proposal having regard to scale appearance and space about dwellings; and
- Highway and parking impacts.

7.05 Design and Space about Dwellings

The proposed extension is located to the side of the dwelling upon the area presently occupied by the single storey garage extension. This garage is to be demolished to facilitate the proposals. The extension is proposed to be 9m in length and 3.2m in width, with the height rising from the existing eaves height of 4.3m to 6.8m to the apex. The floor area of the dwelling extends some 500mm closer to the side boundary of the site than the current garage extension. The accommodation proposed within the extension is arranged such that windows are located to look out to the front and rear of the dwelling. There are no openings of any form within the proposed side elevation.

7.06 Concerns have been raised with regards to scale / massing and design of the proposal at the head of the cul-de-sac position and the slightly elevated site level leading to a development that would dominate and be out of character. In addition, concerns have been raised that the proposed extension would not provide for adequate separation distances between the extension and existing adjacent dwellings.

7.07 It is considered that the proposed extension is reflective of both the existing dwelling and the character and appearance of the other existing dwellings within the cul-de-sac, being of brick walls beneath a concrete tiled roof. It is also considered that the extension, being less than 50% of the width of the current dwelling and only introducing further built form in relation to the existing dwelling at first floor level, is subsidiary in scale to the existing dwelling and reflective of the surrounding character of built form

7.08 In respect of the issues raised in relation to separation distances, it is noted the extension is proposed to the side elevation and the orientation of No. 12 Priory Close to the site is such that a 9m separation distance between the flank wall of the proposed extension and the frontage of No 12 is secured. With regard to the guidance set out in SPGN 1 – Extensions & Alterations to Dwellings and SPGN2 – Space Around Dwellings. Whilst it is noted that normally a separation of 12 metres would be sought in circumstances of a blank wall relationship to habitable rooms, it should be noted the current separation distance between the two dwellings is 9.5 metres. The separation in this regard is therefore already below that suggested within SPGN 2.



- 7.09 Account has been taken of the position of the proposed extension in relation to the neighbouring property and in relation to the path of the sun in the sky on a daily basis. Given that the extension lies directly to the south of the dwelling at No. 12, the sun will be at its highest point in the sky throughout the year at the point at which it faces the front elevation of No.12. Accordingly it is not considered that the proposed extension, notwithstanding its position approximately 9m from the front of No.12, would result in overshadowing to the extent it would impact unacceptably upon the living conditions of the existing occupants of No. 12.
- 7.10 Furthermore, as the proposed flank wall is proposed to a blank elevation, there is no direct overlooking resulting from the proposal and therefore, no adverse impacts upon living conditions. To ensure that control is maintained in this regard and therefore propose to impose a condition to remove the permitted development rights for further opening within this elevation.
- 7.11 Accordingly, and for the reasons set out above, it is considered the proposal would comply with the requirements of policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan.
- 7.12 Highways & Access  
The proposals make provision for the creation of 3 No. car parking spaces across the frontage of the property. Consultation undertaken with Highways DC has established that there is no objection to the proposals upon highway grounds. It is noted the concerns raised with regards to loss of parking provision on the potential for increased on street parking, with consequent impact upon access. The Council's parking standards indicate that 3 car parking spaces will be required for dwellings with greater than 3 bedrooms, and therefore this proposal accords with this guidance.
- 7.13 Accordingly it is considered that this proposal accords with the requirements of policy GEN1 of the Flintshire Unitary Development Plan and the Guidance set out within SPGN 11 - Parking Standards.
- 7.14 Other matters  
A variety of concerns have been raised in relation to land ownership disputes and private access rights. Members are aware that such matters are not material planning consideration and no weight should be attached to them in the overall planning balance.

## **8.00 CONCLUSION**

- 8.01 In conclusion, the form, scale and design of the proposed extension is appropriate to the character of the site and surroundings and is considered to be compliant with policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan. The proposal will not result in

adverse impact upon the living conditions currently enjoyed by the occupants of existing adjacent dwellings.

Other Considerations

8.02 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.

8.03 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.

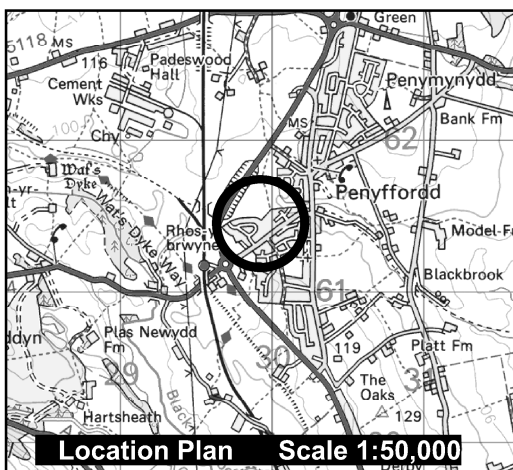
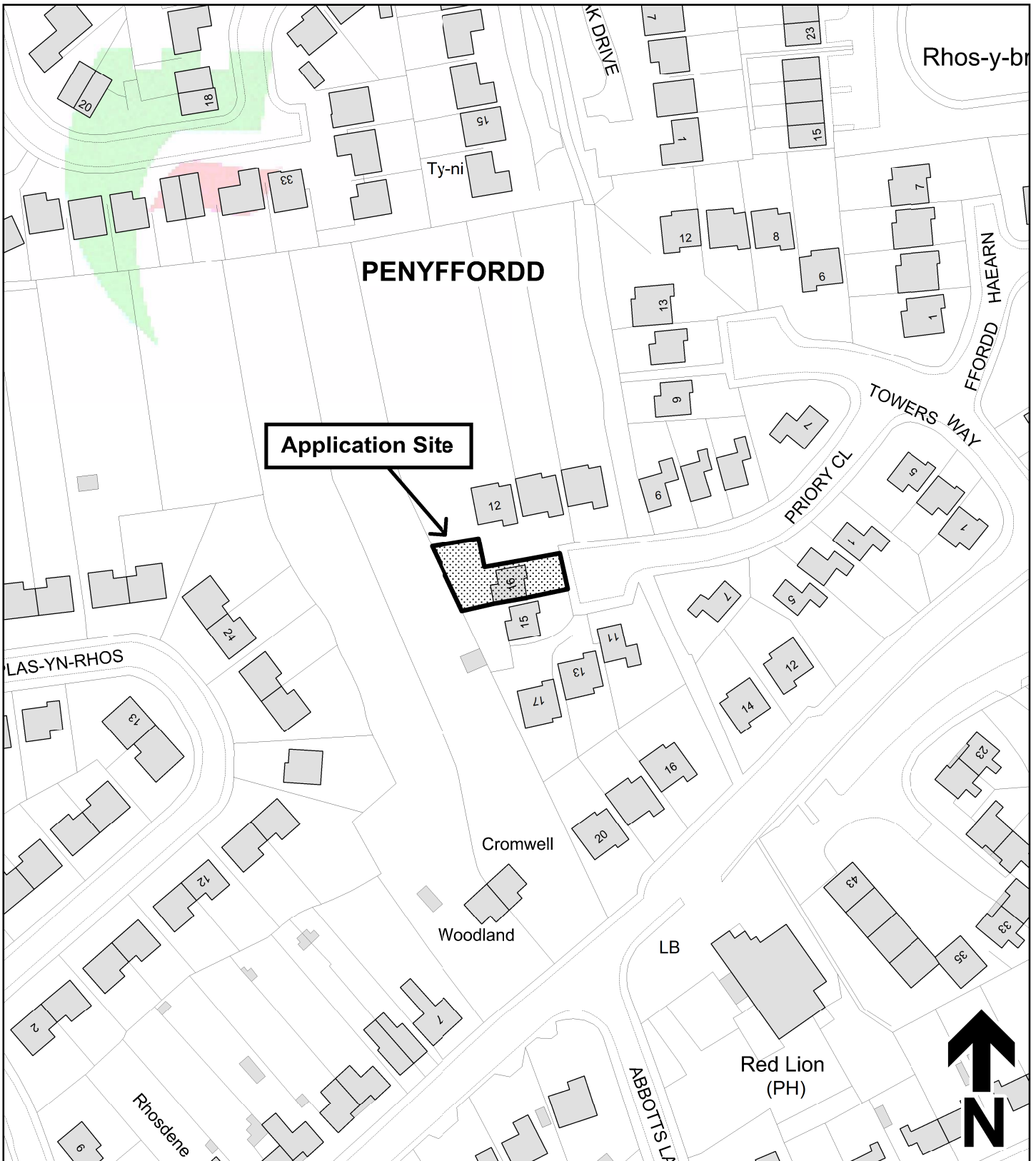
8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

**LIST OF BACKGROUND DOCUMENTS**



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

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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 2961
Planning Application	<b>59431</b>

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# Eitem ar gyfer y Rhaglen 6.8

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **3<sup>RD</sup> APRIL 2019**

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

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE FROM RESIDENTIAL INSTITUTION TO 8 NO. BEDSITS AT KINGDOM HALL, TUSCAN WAY, CONNAH’S QUAY.**

**APPLICATION NUMBER:** **059409**

**APPLICANT:** **MR. S. ALCOCK**

**SITE:** **KINGDOM HALL, TUSCAN WAY, CONNAH’S QUAY, FLINTSHIRE, CH5 4RQ**

**APPLICATION VALID DATE:** **7<sup>TH</sup> JANUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR J.B. ATTRIDGE**  
**COUNCILLOR A.P. SHOTTON**

**TOWN/COMMUNITY COUNCIL:** **CONNAH’S QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **REQUEST OF LOCAL MEMBER DUE TO CONCERNS ABOUT CHARACTER AND APPEARANCE**

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

### **1.00 SUMMARY**

1.01 This is a full application for the change of use of the former religious institution into 8 no. bedsits. The application site known as Kingdom Hall is a detached building within the town of Connah’s Quay.

The former religious institution has been vacant since 2017. Planning permission was granted in 2018 for the change of use of the building into three apartments which establishes the principle of residential use.

The proposed scheme will bring about the re-use of a currently vacant building without causing any adverse impact on the existing neighbouring residential properties.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- a) Payment of £733.00 per unit in lieu of onsite public open space provision to be used to enhance Central Park, Connah's Quay.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application. That planning permission be granted subject to conditions:

Conditions

1. Time limit on commencement
2. Compliance with approved plans
3. Details of refuse and recycling facilities

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor J.B. Attridge – Raises concerns regarding the proliferation of flats in the area and the associated crime and anti-social behaviour together with issues over parking provision. Requests that the application be referred to planning committee with a site visit

Councillor A.P. Shotton – No response at time of writing

Connah's Quay Town Council

No response received at time of writing

Highways Development Control

Given the building's existing use and the other uses that fall within the same class (such as a children's day nursery), as the Highway Authority I consider the proposed use to be less onerous in terms of parking and traffic generation. On this basis I confirm that I have no objection to the proposed development and that I do not wish to make

a recommendation on highway grounds.

Head of Public Protection

No adverse comments to make regarding the proposal.

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development at this location.

Aura

In accordance with Planning Guidance Note No.13 Public Open Space provision, the Council should be seeking an off-site contribution of £733.00 in lieu of onsite Public Open Space.

The payment would be used to enhance recreation improvements at Central Park, Connah's Quay. For clarity this could take the form of access improvements ,seating areas and improvements to the Multi use games area.

We have considered previous pooled contributions and we confirm that thresholds have not been exceeded with regard to Central Park Area.

**4.00 PUBLICITY**

4.01 Site Notice and Notification letters posted – No responses received at time of writing

**5.00 SITE HISTORY**

5.01 058862 - Change of use from non residential institution to residential with the creation of 3 No. apartments – Approved 11/10/18

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 (New Development)

STR4 (Housing)

GEN 1 (General Requirements for Development)

GEN 2 (Development Inside Settlement Boundaries)

D1 (Design Quality, Location and Layout)

D2 (Design)

AC13 (Access and Traffic Impact)

HSG3 (Housing on Unallocated Sites Within Settlement Boundaries)

HSG 8 Density of Development  
HSG 9 Housing Mix and Type

Supplementary Planning Guidance Note 2: Space Around Dwellings  
Supplementary Planning Guidance Note 11: Parking Standards

Local Planning Guidance Note 13: Open Space Requirements

Planning Policy Wales Edition 10 (December 2018)

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is a full application for the proposed change of use of the former residential institution known as Kingdom Hall into 8 no. bedsits. The main issues to consider in determination of this application are impact on neighbouring amenity and highway impacts.

### 7.02 Site Description

The application site extends for 0.04ha and comprises an existing single storey brick built building with mono-pitch roof. Access to the site is via Tuscan Way.

The site is bound to the north by resident's car parking serving a three storey block of flats which fronts the High Street. To the south is a Scout building and a large area of open space. To the east of the site are a pair of semi-detached bungalows with associated rear gardens, whilst the land to west rises to an existing complex of two storey flats.

### 7.03 Proposed Development

The application proposes to convert the existing building which has been used as a religious institution and provide a total of eight bedsits. The bedsits will be suitable for single or two person occupation, with a separate bedroom, bathroom and kitchen/living area.

Currently the building has three door openings with no windows and the proposal is to add a further five door openings, fourteen windows and rooflights. Externally the applicant has included provision of a bin store and cycle storage area and a limited area of outdoor amenity space.

### 7.04 Planning history

A planning application for the change of use from non-residential institution to residential with the creation of 3 No. apartments



(reference 058862) was approved in October 2018. The principle of conversion to a residential use has been established through this consent.

7.05 Principle of Development

The application site is located within Connah's Quay which is a town and Category A settlement as defined by the Flintshire Unitary Development Plan. Policy HSG3 of the Flintshire Unitary Development Plan concerns proposals for housing on unallocated sites within settlement boundaries. It details that in most cases it will be appropriate to allow residential development within towns that have identified settlement boundaries subject to additional criteria. In this case, given the mix of size and type of houses adjacent to the site, bedsits would be reflective of the character of the area.

7.06 Main Issues

The main issues are the impact on existing and proposed living conditions and provision of parking.

7.07 Living conditions of neighbouring occupiers

The fabric of the existing building is to be retained, with the facade altered with the provision of doors and windows. The positioning of these windows do not face any habitable rooms in the neighbouring properties and do not cause any overlooking or adverse impact. Furthermore, the design of the building will largely be unaffected and any alterations will harmonise with the surrounding dwellings. Therefore there is no unacceptable harm to the living conditions of the neighbouring occupiers in terms of privacy and overlooking

7.08 Living conditions of proposed occupiers

The proposed occupiers will have an acceptable outlook from each room within the bedsit. Two conditions are imposed to require details of refuse and cycle parking to ensure these are acceptable. As the proposal is a conversion of an existing building there is limited ways in which the applicant can provide amenity space. Within the curtilage there is an area of limited open space. It is, within the planning balance considered that this provision is acceptable as the conversion of the vacant building is making the most efficient and effective use of vacant buildings to meet the housing need within the settlement boundary.

7.09 Access and Parking Provision

The application proposes the provision of two car parking spaces within the site which would fall short of the maximum parking standards as set out in Supplementary Planning Guidance Note 11.

However, whilst the application site has been vacant since 2017, prior to this it was used regularly as a religious institution. Within the defined Use Classes Order a religious/cultural institution is listed as a D1 use class. At any time the building could have been converted into an alternative use such as a childrens day care nursery without the requirement of planning permission. It is considered that the proposed residential use would be less onerous in terms of parking and traffic generation than the current use class would permit.

The site is located within a town centre, recognised as being a sustainable location due to other service, amenity and various other modes of transport being available, which includes travel on foot. The site is within walking distance of shops, post office, leisure, employment and health care services. There are bus stops approximately 160m from the site on the High Street with regular services to destinations along the coast and towards Chester.

It is therefore considered that the site is well positioned and supports the key planning principles set out in PPW10, in particular the theme 'Active and Social Places' chapter 4, which states that developments should encourage a *“modal shift and be easily accessible by walking, cycling and public transport, by virtue of their location, design and provision of on and off site sustainable transport infrastructure.”* By doing so, sustainable forms of development such as this, help to reduce the reliance on travel by private car, and the adverse impacts of motorised transport on the environment and people's health, by prioritising and increasing active travel and public transport.

#### 7.10 S106 and CIL Compliance

The infrastructure and monetary contributions that can be required from proposals have to be assessed under the 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.

A payment of £733.00 per apartment unit in lieu of sufficient onsite provision to enhance Central Park, Connah's Quay. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where the necessary on site provision is not possible. There have not been 5 contributions towards this project to date. It is considered that this meets the Regulation 122 tests.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Head of Planning it to be given delegated authority to REFUSE the application.

#### 7.11 Other Matters

Concerns have been raised that the provision of bedsits in an area dominated by flats will cause rise to an increase in crime and anti-social behaviour. There is no planning policy requirement which controls the type of residential development. Furthermore, there is no evidence to substantiate that bedsits will cause any greater levels of crime than any other residential use.

#### 8.00 **CONCLUSION**

The proposed scheme would bring back into use a vacant building without causing any adverse impact on the existing neighbouring residential properties.

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

#### 8.01 Other Considerations

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

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

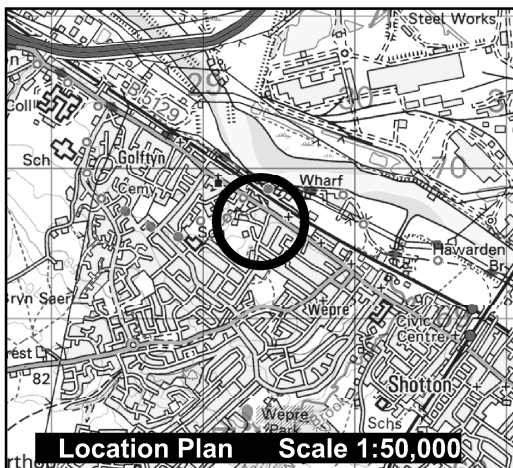
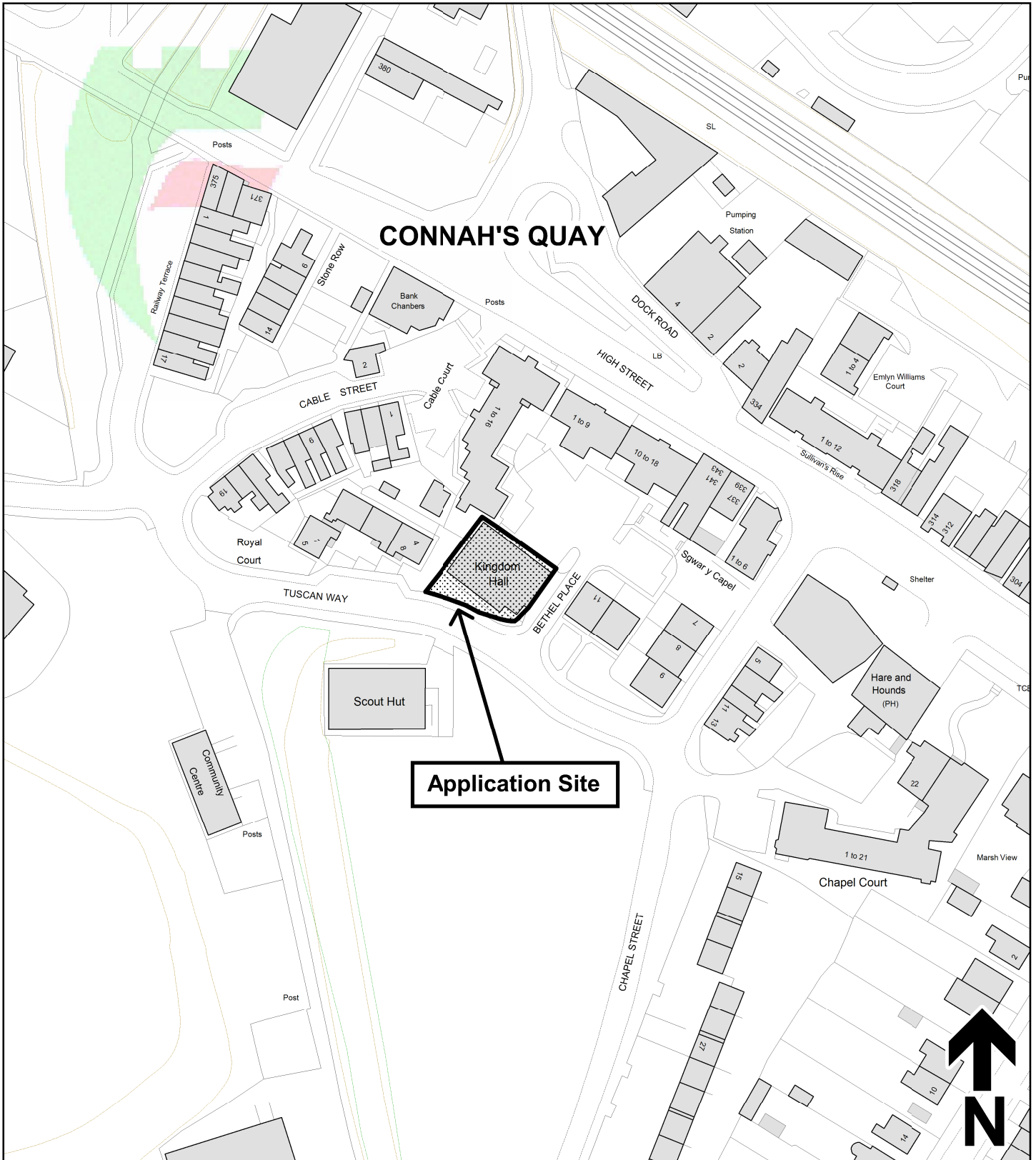
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

**LIST OF BACKGROUND DOCUMENTS**



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

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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 2969
Planning Application	<b>59409</b>

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