

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **24<sup>TH</sup> NOVEMBER 2021**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED ERECTION OF 2 No 3 BED DWELLINGS WITH ASSOCIATED PARKING AND AMENITY.**

**APPLICATION NUMBER:** **062921**

**APPLICANT:** **DANTOM MERSEYSIDE LTD**

**SITE:** **LAND ADJACENT TO TRIGFA, 6 BRYN ROAD, FLINT, FLINTSHIRE CH6 5HJ**

**APPLICATION VALID DATE:** **28<sup>TH</sup> APRIL 2021**

**LOCAL MEMBERS:** **COUNCILLOR D COX**  
**COUNCILLOR M PERFECT**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST GIVEN CONCERNS ABOUT IMPACT ON HIGHWAY NETWORK.**

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

**1.00 SUMMARY**

- 1.01 This is a full planning application proposing the erection of 2 no. detached 3 bedroom dwellings on land adjacent to an existing dwelling Trigfa, 6 Bryn Road, Flint. The application has been resubmitted following withdrawal of a previous application in February 2021, reference no. 061356 for 3 no. dwellings on the site. The application was withdrawn, following officer concerns about over-development.

**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 secure the following:

- Payment of £1100 per dwelling in lieu of onsite public open space, to improve toddler play provision at The Nurseries, Play Area, Flint.

Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Materials to be submitted and approved
4. Site and Finished Floor Levels (FFL) to be submitted and approved.
5. Details of boundary treatment onto Bryn Road to be submitted and approved
6. Construction Traffic Management Plan (CTMP) to be submitted and approved.
7. No discharge of surface / land drainage into public sewerage network

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 the delegated authority to REFUSE the application.

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor D Cox

No response received at the time of writing.

Councillor M Perfect

Request site visit and Planning Committee determination in order to assess the impact of development on the existing highway network.

Flint Town Council

No response received at the time of writing.

Highways Development Control

No objection subject to the imposition of conditions in respect of highway boundary treatment and the submission of a Construction Traffic Management Plan.

Public Rights of Way

No public footpaths are affected by the proposed works.

Community and Business Protection

No adverse comments to make.

Welsh Water/Dwr Cymru

Recommend that any permission includes a condition to prevent the discharge of surface water /land drainage into the public sewerage network.

Leisure Services ( AURA )

Request the payment of a commuted sum of £1100 per dwelling, the monies being used to enhance toddler play provision at The Nurseries Play Area, Flint

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification:

2 no. Letters of objection received, which express concerns over the adequacy of the highway network to serve further development at this location.

**5.00 SITE HISTORY**

5.01 049010 – Outline – Development of 2 No dwellings. Approved 10/11/2011

052853 - Variation of condition 2 attached to planning permission 049010 to allow further time period for the submission of reserved matters. Refused 16/5/2016 – Legal obligation for the payment of a Leisure Commuted Sum not completed.

061356 – Proposed erection of 3 No 3 bedroom dwellings with associated parking and amenity. Withdrawn 23/2/21

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

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 AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 – Density of Development

Policy SR5 – Outdoor Playing Space and New Development

Policy IMP1 – Planning Conditions and Planning Obligations

Supplementary Planning Guidance

Supplementary Planning Guidance Note 2 – Space Around Dwellings

Supplementary Planning Guidance Note 4 – Landscaping

Supplementary Planning Guidance Note 11 – Parking Standards

Planning Guidance Note 13 – Open Space Requirements

National Planning Policies

Planning Policy Wales ( PPW ) – Edition 11

Future Wales Development Plan 2020-2040

Technical Advice Note 12 – Design

Technical Advice Note 18 – Transport

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application proposing the erection of 2 no. detached 3 bedroom dwellings on land adjacent to an existing dwelling Trigfa, 6 Bryn Road, Flint. The application has been resubmitted following withdrawal of a previous application in February 2021, reference no. 061356 for the erection of 3 no. dwellings on the site. The application was withdrawn, following officer concerns about over-development.

7.02 Site Description

The site the subject of this application amounts to approximately 0.8 hectares in area. It is located within the settlement boundary of Flint as defined in the Flintshire Unitary Development Plan.

7.03 It comprises an area of land on the western side of Bryn Road, Flint that is located to the south of an existing dwelling Trigfa (6 Bryn Road) east of 7 & 8 Bryn Road and north of 16 Bryn Road. On the eastern side of Bryn Road, opposite the application site is a split level detached bungalow named “The Jays” the topography is such that the living accommodation within the bungalow is set approximately 3.5 m higher than Bryn Road.

7.04 Proposed Development

The plans submitted as part of this application propose the erection of 2 no. detached 3 bedroom dwellings, also of a split level design. The front elevations of the dwellings would be 2 storey in height, consistent with that of the adjacent property Trigfa. As the topography of the site slopes steeply in a westerly direction, it is proposed that the rear elevations are 3 storey incorporating a basement level.

7.05 It is proposed that the dwellings are constructed having facing brick external walls and slate roofs. Vehicular access to serve the proposed units is proposed from a shared access point at the southern end of the site nearest to 16 Bryn Road.

7.06 Each dwelling would benefit from rear and side gardens, with off road parking for 2 vehicles.

7.07 Main Planning Considerations

The main planning considerations to be taken into account in determination of this application include:

- Principle of development
- Character and appearance
- Living conditions
- Adequacy of access.
- Leisure Contributions

These issues are addressed in further detail below:

7.08 Principle of Development

As indicated the site is located within the settlement boundary of Flint as defined in the Flintshire Unitary Development Plan and has previously had the benefit of outline planning permission for 2 no dwellings on the site under planning application 040910 as approved in 2011. The principle of development on the site is therefore well established subject to relevant development management considerations.

7.09 Character and appearance

A previous application for the development of the site for 3 no. dwellings was withdrawn in 2021 following officer concerns, which at the time considered the proposal represented overdevelopment. As such, the scheme has been reduced to 2 no. dwellings, which can be more suitably accommodated within the site and the density being more reflective of the existing pattern of development in the surrounding area.

7.10 Whilst there are a variety of house types in the locality, the house type proposed is not uncommon in built up residential areas, lending itself to suit the scale and form of the site, its topography and the interactions with existing development. Indeed it is not too dissimilar to that approved in 2011 under the outline consent, albeit the details provided were indicative.

7.11 The 2 storey frontage proposed is reflective of the adjacent property Trigfa and helps to maintain the character of the street scene on the western side of Bryn Road, this being the active frontage. However, the rear elevations of the properties would be 3 storey to

accommodate the change in site levels. The 3 storey aspect to the rear would not be immediately visible from the streetscene as to disturb the pattern sequence of development along the frontage, but would assimilate into the locality when viewed from a westerly direction given the natural fall in the land profile. As such, the design and appearance of the proposed house type is considered to be acceptable in this location.

7.12 Living Conditions

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

7.13 The site layout and orientation of the proposed dwellings would not result in any direct interface relationship with existing properties on the western side of Bryn Road namely Trigfa, and Nos 7, 8 & 16 Bryn Road.

7.14 The frontage of the proposed dwelling on the southern part of the site (plot 2) would however be approximately 10.5 m at its closest point with the garage facilities associated with The Jays that are accessed off Bryn Road. It's proposed siting within the plot would result in there being approximately 17m to the main frontage elevation of this existing bungalow which given the topography at this location is set approximately 3.5m above road level. As there are no main habitable windows within this existing bungalow which would have a direct interface relationship with the proposed dwelling on plot 2, it is considered that there would be no adverse impact on the living conditions of the occupiers of the existing or that of the proposed dwellings. As a result, the requirement for a separation distance of 21m, as referenced in SPGN2, is not triggered.

7.15 The proposed dwellings on plots 1 & 2 would have garden depths of approximately 11m and 20 m and associated garden areas of approximately 120m<sup>2</sup> and 160m<sup>2</sup> respectively. This is in excess of the 70m<sup>2</sup> that is referenced within SPGN2 to serve a 3 bed dwelling, and the site layout and positions within the application site are considered acceptable having regard to the character of existing development at this location.

7.16 Adequacy of Access

Although there are objections from third parties regarding the impact of the proposal on the highway network, the Highway Authority considers that there is no objection to the scale of development proposed. The technical details relating to the formation of the access have been assessed and subject to the imposition of conditions in relation to the boundary treatment relative to Bryn Road and the need for a Construction Traffic Management Plan during the

development phase the proposal is considered acceptable in highways terms.

7.17 Leisure Contribution

Consultation on the application has been undertaken with Leisure Services (AURA) who have requested the payment of a commuted sum of £1100 per dwelling. The monies are proposed to be used to enhance toddler play provision at The Nurseries Play Area, Flint.

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

7.19 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 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 While the Authority does not yet have a charging schedule in place, CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

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

**8.00 CONCLUSION**

In conclusion it is my view that this revised application is acceptable, representing a scale and form of development that is sympathetic to the character of the site and wider surroundings. The design and siting of the proposed units helps to maintain the sense of enclosure along Bryn Road whilst safeguarding the living conditions of occupiers of existing dwellings, in particular The Jays opposite the site.

8.01 There is no objection from the Highway Authority and the scheme is considered acceptable in accordance with planning policy and supplementary planning guidance.

Accordingly I recommend that planning permission be granted subject to the S.106 Legal Agreement and conditions as set out in paragraph 2.01 of this report.

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.

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

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

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

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer: Robert Mark Harris**

**Telephone:**

**Email:**